

Kentucky Licensed Child Care Center Application Packet



Office of the Inspector General Division of Regulated Child Care

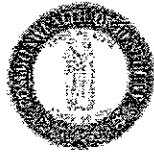
**275 East Main Street 6E-B
Frankfort, Kentucky 40621**

Phone: (502) 564-7962

Fax: (502) 564-9350

Website

<http://chfs.ky.gov/os/oig/drcc.htm>



Steven L. Beshear
Governor

**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE INSPECTOR GENERAL**

Sadiqa N. Reynolds, Esq., Inspector General
Division of Regulated Child Care
275 East Main Street, 6E-B
Frankfort, Kentucky 40621-0001
Phone: 502-564-7962
Fax: 502-564-9350
<http://chfs.ky.gov/oig>

Janie Miller
Secretary

Dear Prospective Applicant(s):

Thank you so much for your interest in becoming a licensed child care center. The Division of Regulated Child Care within the Office of Inspector General in the Cabinet for Health and Family Services is the agency responsible for licensing and regulating all child care centers throughout the Commonwealth of Kentucky. Accompanying this letter you will find the application packet for child care centers, please take a moment to review the information and documentation within this packet

If you are applying for a license as a sole proprietor or a partnership, a completed criminal records check and child abuse and neglect central registry check must be submitted with your application. Once you have compiled the required documentation, submit the application packet and the appropriate fee to:

Division of Regulated Child Care
CHFS
275 East Main Street
Section 6E-B
Frankfort, Kentucky 40621

Make all checks or money orders payable to the **Kentucky State Treasurer**. If you have any questions, contact the Division of Regulated Child Care at 502-564-7962 and ask for the compliance analyst for your county. Thank you for your interest in the licensed child care program.

Sincerely,

LaShana M. Harris
Assistant Director



Kentucky Licensed Child Care Centers

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SECTION I - APPLICATION

COMMONWEALTH OF KENTUCKY
CABINET FOR HEALTH AND FAMILY SERVICES

OFFICE OF THE INSPECTOR GENERAL
DIVISION OF REGULATED CHILD CARE

APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER

CENTRAL OFFICE USE ONLY	
Director (CRC) _____	(CAN) _____
Licensee (CRC) _____	(CAN) _____
Receipt No. _____	Licensure Period _____
License No. _____	

1. Name of Center _____
Center Address _____
Street City Zip
(Describe location of center on separate sheet, if on a rural route)
Center Telephone No. _____ County _____
E-mail Address _____

2. List a mailing address if mail is not to be sent to center.

3. Is the owner of the day care center a corporation or limited liability company (LLC)?
Yes _____ No _____

If yes, complete the following and attach a current certificate of existence or authorization from the Kentucky Secretary of State:

Name of corporation/LLC _____
Corporation/LLC Address _____
Corporation/LLC Telephone No. _____ FEIN NO. _____

4. If owner is not a corporation/LLC, list owner of business, not owner of building.
If the owner is a partnership, include a written statement from the partners that the partnership is current and viable.

Owner _____
Social Security No. _____ and/or FEIN NO. _____
Address _____
Telephone No. _____
Co-Owner _____ Social Security No. _____
Address _____ Telephone No. _____

5. Name of Director _____ Social Security No. _____
21 years of age or older? ____Yes ____No Qualifications _____

6. Number of buildings to be used for center _____
If more than one, identify each separately by name, number or address:
1st Bldg. _____ Number of rooms to be used _____
2nd Bldg. _____ Number of rooms to be used _____

7. Number of children you want to care for (if approved): _____

8. Ages of children for whom care is intended, check categories listed below:

Infant (under one year of age) ☐
Toddler (between twelve and twenty-four months) ☐
Two to School Age (do not attend school) ☐
School Age (attending kindergarten, elementary or secondary education) ☐

9. Do you intend to provide the following services?

Transportation (includes field trips) ☐
Non-Traditional Hours(after 6 p.m./weekends) ☐

Hours center will be open: From _____ a.m. to _____ p.m.

Days of the week child care services are provided:

SUN ☐ MON ☐ TUE ☐ WED ☐ TH ☐ FRI ☐ SAT ☐

10. If this is a change of ownership, list name of center as it is currently licensed:

*** Please note that if the licensed child care center is currently in adverse action, a change of ownership cannot take place until all actions against the licensee are finalized with the Office of the Inspector General.**

I certify that the information given in completing this application is true and accurate to the best of my knowledge and I recognize that falsification of this application can result in denial or revocation of license. I understand the Office of the Inspector General staff shall have the authority to inspect the center and the records required by 922 KAR 2:090/2:110 and that those inspections shall be unannounced.

I understand that I am required to immediately notify the Office of the Inspector General of any action or change that significantly impacts the operation of this child care center. Examples of such changes include a move to a new location, a name change, telephone number changes, ceasing operation, or changing the FEIN for your center. I understand that this application applies only to the location listed on this form; if I want to move an inspection must be completed prior to moving to the new location.

(Date)

(Signature of Owner/Authorized Agent)

A certified check or money order made payable to the "Kentucky State Treasurer" in the amount of fifty dollars (\$50.00 non-refundable) must accompany your completed application. **The application will NOT be processed without payment.**
Mail the certified check or money order to:

Office of the Inspector General
Division of Regulated Child Care
275 E. Main Street, 6E-B
Frankfort, KY 40621-0001

Checklist for Obtaining a Child Care License

- ☐ **Obtain written zoning approval.** It is strongly recommended that you obtain the required written documentation for the zoning commission in your area showing compliance with zoning requirements before you submit an application.
- ☐ **Contact the Office of the State Fire Marshal, Housing, Building and Construction**, at 101 Sea Hero Road Suite 100, Frankfort, Kentucky 40601 to obtain your fire safety approval. They can be reached at (502) 573-0388. Your application must contain documentation from the State Fire Marshal's office that shows your approval and recommended capacity. *Note your application will NOT be processed without the State Fire Marshal documentation showing approval.
- ☐ **Obtain Criminal Record Checks from Kentucky State Police or the Kentucky Courts of Justice/Administrative Office of the Courts** on all owners, directors, employees and volunteers. <http://www.kentuckystatepolice.org/pdf/childcare.pdf> (both are included in packet)
- ☐ **Obtain Central Registry Checks from the CHFS/Department for Community Based Services** on all owners, directors, employees and volunteers. DPP-156 Registry Check Form (doc) (included in packet)
DPP-156 (Spanish) Central Registry Check (upon request)
- ☐ **Check with your local Health Department** to determine if you will need to apply for a Food Service Permit.
- ☐ **Submit your application and fee** to the Division of Regulated Child Care (DRCC), 275 East Main Street, 6E-B, Frankfort, Kentucky 40621. All questions relating to completion of your application should be directed to this office at (502) 564-7962. (application fee is non-refundable)
- ☐ If the licensee is a corporation or a limited liability company, **a copy of the Certificate of Existence must be submitted.**
- ☐ **Technical Assistance** – Contact your Child Care Resource and Referral Agency for your county.
- ☐ **After your application and State Fire Marshal approval are received in our central office they will be forwarded to a regional office.** The regional office of Regulated Child Care will call you will schedule a date to conduct your initial licensure survey.
- ☐ **After receiving a favorable initial survey**, a non-transferable license is issued to you and must be renewed each year.
- ☐ **The Division of Regulated Child Care will only hold your application for 6 months.** If you have not completed the licensing process for the proposed child care center after the 6 month period, your application will be withdrawn and you will have to submit another application/fee.



SECTION II – Background Check(s) Forms



REQUEST FOR CONVICTION RECORDS/ CHILD CARE

Pursuant to KRS 17.165, request is made for any record of conviction found in the files of the Kentucky centralized criminal history record information system regarding the person identified herein. This information shall be released to:

Agency Name and Address

ACKNOWLEDGMENT BY APPLICANT

I have applied for a position with the above stated agency. I am requesting that the Kentucky State Police provide the agency with any record of conviction found in the files of the Kentucky centralized criminal history record information system. I know that I have the right to inspect my criminal history record and to request correction of any inaccurate information. If I do not exercise that right, I agree to hold harmless the Kentucky State police and any Kentucky State Police employee(s) from any claim for damages arising from the dissemination of inaccurate information.

APPLICANT INFORMATION (PLEASE PRINT)

NAME: _____
Last First Middle Maiden

ADDRESS: _____
Street City State Zip

SEX _____ RACE _____ DATE OF BIRTH _____ SOC SEC NO _____

Signature Date Witness Date

INSTRUCTIONS:

Requesting agencies should ensure that all application information is completed.

Requesting agencies should forward a check or money order made payable to the **Kentucky State Treasurer** in the amount of **\$10.00** for each submitted form. Requests should be accompanied by **two, self-addressed stamped envelopes** – one bearing the name and address of the requesting agency and the other bearing the name and address of the applicant.

The Kentucky State Police will charge a \$25.00 fee on each returned check.

RETURN THIS FORM TO:

Kentucky State Police
Criminal Identifications and Records Branch
Criminal Records Dissemination Section
1250 Louisville Road
Frankfort, KY 40601

Visit us online @ <http://kentuckystatepolice.org>

Revised10/03

ADMINISTRATIVE OFFICE OF THE COURTS
PRETRIAL SERVICES RECORDS DIVISION
100 MILLCREEK PARK
FRANKFORT, KENTUCKY 40601
502-573-1682 or 800-928-6381



pretrialcustomerservice@mail.aoc.state.ky.us

The process to obtain the information contained in the CourtNet Disposition System is as follows:

- Individuals** Requesting a record on yourself requires a \$10.00 fee (**check or money order**). Enclose a self addressed stamped envelope for a return reply.
- Nonprofit** Requesting a record on individuals requires a \$10.00 fee (**check or money order**) and your nonprofit number (Form #51-A-126). Your return envelope must be addressed with adequate postage, and the other envelope only needs the address of the person being checked.
- Health Care
Housing Auth.**
- Licensing/
Others** A request for licensing purposes and on another person requires a \$10.00 fee (**check or money order**) and must include two envelopes. Your return envelope must be addressed with adequate postage, and the other only needs the address of the person being checked.
- Government** Government entities must provide both envelopes mentioned above, a tax exempt number for waiver of fees, contact person, phone number, and mailing address on their request. Multiple inquires can be made on a continuation form.

Fees are paid to the order of the KENTUCKY STATE TREASURER by check or money order ONLY. FAILURE TO COMPLY WITH THESE PROCEDURES WILL RESULT IN THE REQUEST BEING RETURNED UNPROCESSED. If you suspect information contained on the record is incorrect, or have any questions, please contact Pretrial Services Records Division at (502) 573-1682 or (800) 928-6381.

PLEASE PRINT OR TYPE THE INDIVIDUALS INFORMATION CLEARLY.

SOCIAL SECURITY NUMBER: _____

NAME: _____

DATE OF BIRTH: _____

MAIDEN OR ALIAS NAMES: _____

STREET ADDRESS / P.O. BOX: _____

CITY, STATE, ZIP CODE: _____

E-MAIL ADDRESS: _____

I understand the information supplied by me must be truthful and falsification with an intent to mislead may result in my prosecution under KRS. 523.100. I have provided the basic information necessary to qualify for record processing and exemption of fees - if applicable.

Individual's Signature

Date

Non-Profit Number (Form 51-A-126), or Tax Exempt Number

E-mail address(sent to this e-mail only)

Would you like the CourtNet Records e-mailed? [] Yes [] No

Company

Telephone Number

Requestor/Contact Person

Please denote which purpose applies to this request:

Employment

Criminal Investigation

Screening Housing Applicants

Volunteer/Care over Juvenile

Licensing

Other (please explain) _____

Address

City, State Zip

COMMONWEALTH OF KENTUCKY
CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency

CENTRAL REGISTRY CHECK

FOR THE FOLLOWING TYPES OF EMPLOYMENT, STATE LAW OR KENTUCKY ADMINISTRATIVE REGULATIONS REQUIRE A CHILD ABUSE/NEGLECT (CAN) CHECK AS A CONDITION OF EMPLOYMENT. KENTUCKY ADMINISTRATIVE REGULATIONS MAY BE FOUND ON THE INTERNET AT <http://www.lrc.ky.gov/kar/titles.htm>. PLEASE CHECK THE CATEGORY LISTED BELOW THAT APPLIES TO YOU FOR WHICH THE CHILD ABUSE OR NEGLECT CHECK IS BEING REQUESTED:

Day Care Related Categories

- ☐ Day Care Center Employee or Volunteer (Required by 922 KAR 2:090)
☐ Applicant for Day Care Center Licensure (Required by 922 KAR 2:090)
☐ Registered Child Care Provider Applicant (Required by 922 KAR 2:180)

Other Categories

- ☐ Foster/Adoption/Independent Living Agency Employee (Required by 922 KAR 1:310)
☐ Residential Child-Caring Facility Employee (Required by 922 KAR 1:300)
(Institution/Group Home/Emergency/Wilderness)
☐ IMPACT-PLUS Subcontractor (Required by 907 KAR 3:030)
☐ Supports for Community Living (SCL) Employee (Required by 907 KAR 1:145)

Other (If none of the above categories is applicable, please explain the reason for requesting a child abuse or neglect check, including the statutory or regulatory authority for the request):

PERSONAL INFORMATION REGARDING THE INDIVIDUAL SUBMITTING TO A CHILD ABUSE OR NEGLECT CHECK (Please print and submit identifying information such as a copy of your driver's license, social security card, or birth certificate):

NAME: _____
(first) (middle) (maiden/nickname) (last)

Sex: _____ Race: _____ Date of Birth: _____ Social Security #: _____

Date of Initial Hire: _____

Present Address: _____
City State Zip Code

Previous Address: _____
City State Zip Code

Previous Address: _____
City State Zip Code

Previous Address: _____
City State Zip Code

Previous Address: _____
City State Zip Code

Please list your addresses for the last five years. Use another sheet of paper, if necessary.

CENTRAL REGISTRY CHECK

A check or money order made payable to the "Kentucky State Treasurer" in the amount of ten dollars (\$10.00) must accompany your request to process a Child Abuse or Neglect Check. The Child Abuse or Neglect Check will **NOT** be processed without payment. Mail check or money order to:

The Cabinet for Health and Family Services
DCBS/Division of Child Care
275 East Main St., 3C-F
Frankfort, Kentucky 40621

I hereby authorize the Cabinet for Health and Family Services to complete a Child Abuse or Neglect check and provide the results of the check to the employer or agency listed below. I also release the Cabinet for Health and Family Services, its officers, agents, and employees, from any liability or damages resulting from the release of this information.

All the information provided is complete and true to the best of my knowledge. I understand if I give false information or do not report all of the information needed, I may be subject to prosecution for fraud.

Signature of the Individual Submitting to the Child Abuse or Neglect Check

Date

Witness

Date

The individual authorizing a Child Abuse or Neglect check may submit a CHFS-305, Authorization to Disclose Protected Health Information form, authorizing the Cabinet to disclose additional information regarding a substantiated finding to the employer or agency listed below should the employer or agency request additional information pursuant to 922 KAR 1:510, Authorization for disclosure of protection and permanency records.

NAME OF EMPLOYER/AGENCY: _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIP: _____ PHONE: _____

RESULTS OF CHILD ABUSE OR NEGLECT CHECK **[FOR OFFICIAL USE ONLY]**

- ☐ No reportable incident found in accordance with 922 KAR 1:470.
- ☐ Substantiated child abuse found on the registry Date of substantiated finding: _____
- ☐ Substantiated child neglect found on the registry Date of substantiated finding: _____

CHECK CONDUCTED ON _____ BY _____

SECTION III – Parent Documents & Provider Resources

COMMONWEALTH OF KENTUCKY
IMMUNIZATION CERTIFICATE

(Required of each child enrolled in a public or private school, preschool program, day care center,
certified family child care home, or other licensed facility which cares for children.)

Name of Child _____ Birthdate _____
(Last) (First) (Middle)

Name of Parent or Guardian _____
Address _____
(Street) (City) (State) (Zip Code)

DIPHTHERIA, TETANUS, PERTUSSIS*#1 / / #2 / / #3 / / #4 / / #5 / /

POLIO VACCINES #1 / / #2 / / #3 / / #4 / /

MMR (Measles, Mumps, Rubella)** #1 / / #2 / / #3 / / #4 / /
Other Other

Hib*** #1 / / #2 / / #3 / / #4 / /

Hepatitis B**** #1 / / #2 / / #3 / / or #1 / / #2 / / (adult dose)

Varicella ***** #1 / / or child has had chickenpox disease (X) _____.

*DTaP, DTP, DT, Td **MMR for one dose, measles-containing for second. ***Hib not required at age 5 years or more. ****
Alternative two dose series of approved adult hepatitis B vaccine for children 11-15 years of age. *****Varicella required for
children 19 months to 7 years unless a parent, guardian or physician states that the child has had chickenpox disease
This child is current for immunizations until / / , (two weeks after the next shot is due) after which this certificate is no
longer valid and a new certificate must be obtained

I CERTIFY THAT THE ABOVE NAMED CHILD HAS RECEIVED IMMUNIZATIONS AS STIPULATED ABOVE.
Signature of physician, Health Dept., or their designee: _____ Date: _____
This Certificate should be presented to the school or facility in which the child intends to enroll and should be retained by the
school or facility and filed with the child's health record.
EPID-230 (Rev 8/2002)

COPY
FOR ILLUSTRATION PURPOSES

199.898 Rights for children in child-care programs and their parents, custodians, or guardians -- Posting and distribution requirements.

- (1) All children receiving child-care services in a day-care center licensed pursuant to KRS 199.896, a family child-care home certified pursuant to KRS 199.8982, or from a provider or program receiving public funds shall have the following rights:
 - (a) The right to be free from physical or mental abuse;
 - (b) The right not to be subjected to abusive language or abusive punishment; and
 - (c) The right to be in the care of adults who shall meet their health, safety, and developmental needs.
- (2) Parents, custodians, or guardians of children specified in subsection (1) of this section shall have the following rights:
 - (a) The right to have access to their children at all times the child is in care and access to the provider caring for their children during normal hours of provider operation and whenever the children are in the care of the provider;
 - (b) The right to be provided with information about child-care regulatory standards, if applicable; where to direct questions about regulatory standards; and how to file a complaint;
 - (c) The right to file a complaint against a child-care provider without any retribution against the parent, custodian, guardian, or child;
 - (d) The right to obtain information from the cabinet regarding any type of licensure denial, suspension, or revocation of an operator, and cabinet reports that have found abuse or neglect by any child-care provider or any employee of a child care provider. Identifying information regarding children and their families shall remain confidential;
 - (e) The right to obtain information from the cabinet regarding the inspections and plans of correction of the day-care center, the family child-care home, or the provider or program receiving public funds within the past year; and
 - (f) The right to review and discuss with the provider any state reports and deficiencies revealed by such reports.
- (3) The child-care provider who is licensed pursuant to KRS 199.896 or certified pursuant to KRS 199.8982 shall post these rights in a prominent place and shall provide a copy of these rights to the parent, custodian, or guardian of the child at the time of the child's enrollment in the program.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 524, sec. 3, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 57, sec. 1, effective July 14, 1992.

Child Care Resource & Referral Agencies across Kentucky

Audubon Area Community Services

Director: Carrie Blackham
(270) 686-1692
carrie.blackham@ky.gov
<http://ccrr.audubon-area.com>

Green River

Counties: Daviess, Hancock, Henderson, McLean, Ohio, Union, Webster
P O. Box 20004
Owensboro, KY 42304
Nancy Roberts (270) 686-1668
nroberts@audubon-area.com
(877) 389-7513

Pennyrile

Counties: Caldwell, Christian, Crittenden, Hopkins, Livingston, Lyon, Muhlenberg, Todd, Trigg
1100 S Main St. Suite 3
Hopkinsville, KY 42240
Virginia Erxleben
(800) 689-5144
virginia.erxleben@kctcs.edu
(270) 886-7374

Child Care Council

Bluegrass

Counties: Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, Woodford
1460 Newtown Pike, Ste 101
Lexington, KY 40511
(859) 254-9176
Director: Bradley Stevenson
(800) 809-7076
bradley.stevenson@ky.gov
www.childcarecouncilofky.com

4C for Children

Northern Kentucky

Counties: Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen, Pendleton
20 N. Grand Ave, Ste 1-A
Ft Thomas, KY 41075
Director: Laura Heuser
(859) 781-3511 ext 8510
lheuser@4cforchildren.org
(800) 256-1296
Chief Operating Officer: Elaine Ward
eward@4cforchildren.org
(859) 781-3511 ext 1212
www.4c-cinci.org/index.html

4C-Community Coordinated Child Care

KIPDA

Counties: Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, Trimble
1215 South Third St
Louisville, KY 40203
(502) 636-1358
Director: Susan Vessels (800) 928-1350
susan-vessels@4cforkids.com
www.4cforkids.org

4C-Community Coordinated Child Care

Lincoln Trail

Counties: Breckinridge, Grayson, Hardin, Larue, Marion, Meade, Nelson, Washington
54 First Street
Elizabethtown, KY 42701
Director: Kathy King (270) 360-9911
(877) 316-3552
kathy.king@ky.gov
www.4cforkids.org

Eastern Kentucky Child Care Coalition

Exec. Director: June Widman
(859) 986-5896 ext 106
Central Office: PO Box 267
Berea, KY 40403
junewidman@ekccc.org
www.ekccc.org

Big Sandy

Counties: Floyd, Johnson, Magoffin, Martin, Pike
240 Francis Ct
Prestonsburg, KY 41653 (606) 886-1280
Karen Baldridge (888) 872-7227
baldridgek@bellsouth.net

Cumberland Valley

Counties: Bell, Clay, Harlan, Jackson, Knox, Laurel, Rockcastle, Whitley
PO Box 927
Barbourville, KY 40906
Carroll Ann Busher (877) 484-5780
carrollannbusher@ekccc.org (606) 546-4874

Lake Cumberland

Counties: Adair, Casey, Clinton, Cumberland, Green, McCreary, Pulaski, Russell, Taylor, Wayne
2371 Monticello Rd
Somerset, KY 42501
Carroll Ann Busher
(800) 354-3703
carrollannbusher@ekccc.org
(606) 679-0167

Kentucky River

Counties: Breathitt, Knott, Lee, Leslie, Letcher, Owsley, Perry, Wolfe
124 Corporate Drive - Suite 103
Hazard, KY 41701
Karen Baldridge (606) 487-0028
baldridgek@bellsouth.net
(800) 528-1599

Northeast Kentucky Community Action Agency, Inc.

FIVCO

Counties: Boyd, Carter, Elliott, Greenup, Lawrence
539 Hitchins Ave
Olive Hill, KY 41164
Coordinator: Nellie Biggs
(606) 286-4443; (800) 817-4443
nelliebiggs@yahoo.com
www.nkcaa.org

Purchase Area Development District

Counties: Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, McCracken, Marshall
1002 Medical Drive
Mayfield, KY 42066 (270) 247-7171
Director: Beth Carrico (877) 352-5183
beth.carrico@purchaseadd.org

WKU Training and Technical Assistance Services

Barren River

Counties: Allen, Barren, Butler, Edmonson, Hart, Logan, Metcalfe, Monroe, Simpson, Warren
Child Care Resource and Referral - T/TAS
Western Kentucky University
1906 College Heights Blvd #11098
Bowling Green, KY 42101-1098
(270) 745-2216
Connie Jo Smith (800) 621-5908
connie.smith@wku.edu
Jill Norris (800) 621-5908
jill.norris@wku.edu
www.wku.edu/ccrr-wku

Licking Valley Community Action Program

203 High Street
Flemingsburg, KY 41041
Director: Melissa Saunders Kane
(800) 327-5196
mkane@lvcap.com

Buffalo Trace

Counties: Bracken, Fleming, Lewis, Mason, Robertson
www.lvcapresourceandreferral.org/buffalo_trace_area.htm

Gateway

Counties: Bath, Menifee, Montgomery, Morgan, Rowan
www.lvcapresourceandreferral.org/gateway_area.htm

Kentucky Partnership for Early Childhood Services

Human Development Institute
University of Kentucky
126 Mineral Industries Building
Lexington, KY 40506-0051
Program Manager: Amy Booth
(859) 257-4910
amy.booth@uky.edu
(800) 956-8950
www.kentuckypartnership.org

THE CHILD AND ADULT CARE FOOD PROGRAM

The Child and Adult Care Food Program (CACFP) provide nutritious meals to participants enrolled in child care centers, day care homes, and adult care centers. It gives young children a chance to try many different types of foods and helps teach them how to choose foods that are good for them.

HOW DOES IT WORK?

Through the CACFP the federal government helps certain kinds of organizations and facilities pay for nutritious meals they serve to participants. The program is available to:

- * Public and private nonprofit organizations providing licensed nonresidential day care services, such as:
 - *Day care centers
 - *Centers that care for school-age children when they are not in school
 - *Day care homes (homes licensed/approved to care for up to 12 children)
 - *Institutions providing day care for handicapped children
 - *Adult care centers
- * Private for-profit centers
- * Others meeting program regulations

Child care centers, outside-school hours centers, and adult care centers can participate in the CACFP either independently or through a sponsoring organization that accepts full administrative and financial responsibility for the program. Day care homes must participate through a sponsoring organization; they cannot enter the CACFP directly.

WHO CAN BE SERVED?

The CACFP can reimburse participating facilities and organizations for meals served to children 12 years and younger. There are two exceptions: children of migrant workers can be as old as 15 years old; and people with physical or mental handicaps can be any age if they receive care at a center where most of the enrollees are 18 years old or younger. Adult day care centers are reimbursed for meals served to participants enrolled in the center for care.

ELIGIBILITY REQUIREMENTS

All institutions that receive funds through the CACFP must have a license/approval issued by the Cabinet for Families and Children. A sponsoring organization that is responsible for the administration of the CACFP funds does not have to be licensed for day care services, but the facility actually caring for children and adults must be licensed.

All non-private sponsors must have tax exempt status under the Internal Revenue Code of before they apply for participation in the CACFP. Family day care homes are not required to be tax-exempt, but their sponsors that are private organizations must be tax-exempt.

MEAL SERVICE

All institutions participating in the CACFP must serve meals that meet nutrition standards set by the U.S. Department of Agriculture. Child care centers may receive reimbursement for up to two meals and one snack OR two snacks and one meal per child per day. Adult day care centers and family day care homes may receive reimbursement for up to two meals and one snack per participant per day.

WHAT HELP IS AVAILABLE?

The CACFP provides financial assistance to child and adult care centers and sponsoring organizations of day care homes so the participants enrolled in day care can receive nutritious meals.

Program payments to child care centers, outside-school-hours care centers and adult care centers are calculated by the following equation:

$$\begin{array}{c} \text{Number of meals served to eligible participants} \\ \text{Multiplied by} \\ \text{The appropriate rates of reimbursement.} \end{array}$$

The rate for each participant depends on the size of the family and the family's income.

All meals served by day care homes under the CACFP are reimbursed at the payment rate for that type meal. Homes receive the full rate for each meal that meets program requirements. The sponsoring organization must pass the full food service payment to the day care home, unless the sponsoring organization provides part of the home's food service.

Day care home providers receive reimbursement for meals served to their own children only when (1) their household meets the family size and income standards for free and reduced-price meals and are participating in the CACFP and (2) other children who do not live in the home are enrolled and present in day care at the home and participating in the Program.

Separate administrative funds are provided to sponsoring organizations for each home they sponsor.

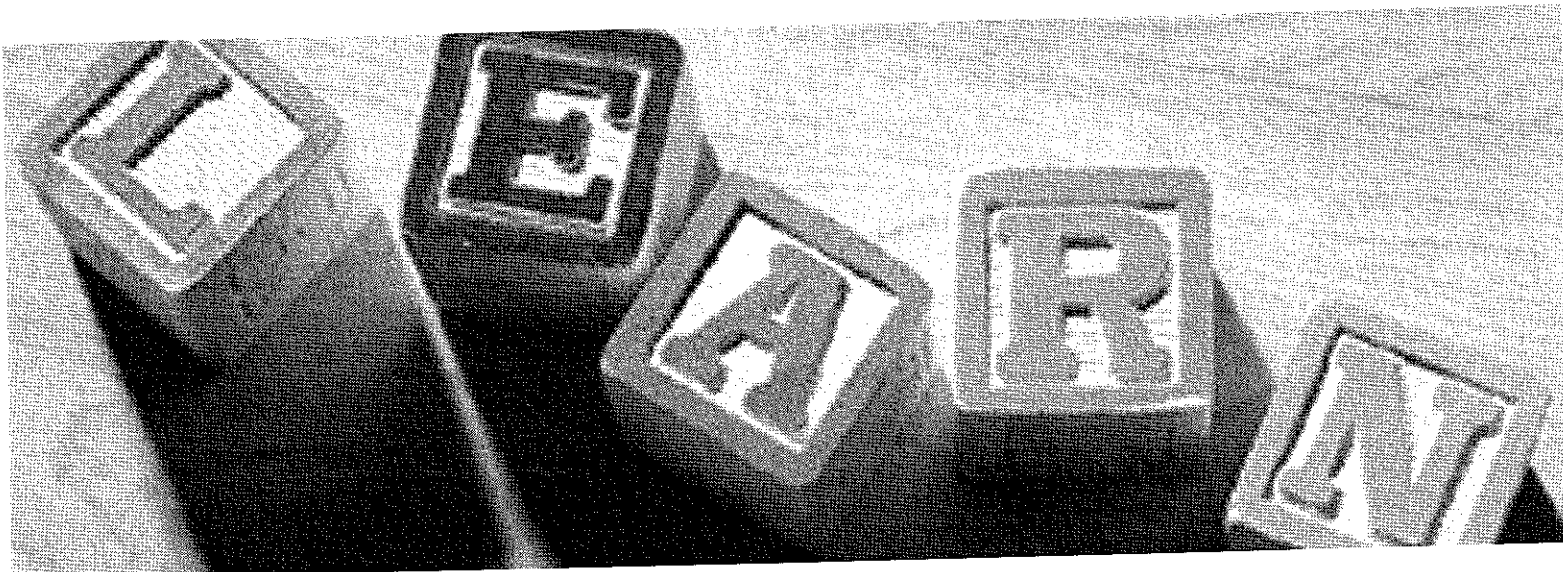
ADMINISTERING AGENCY

In Kentucky, the CACFP is administered by the Kentucky Department of Education. For more details, write or call:

Denise Hagan, Program Manager
Division of Nutrition & Health Services
2545 Lawrenceburg Road
Frankfort, KY 40601
(502)564-5625

<https://kyeascn1.state.ky.us/nutrition/cacfp.asp>

The CACFP is available to all without regard to race, color, national origin, sex, age or disability. If you believe you have been discriminated against, write immediately to the Secretary of Agriculture, Washington, D.C. 20250. Printed with federal funds by the Kentucky Department of Education



Getting Started in Child Care: Introductory Training for NEW DIRECTORS/OWNERS

*Are you planning to open or direct a new child care center?
Are you the new director of an existing child care program?*

If so, **Getting Started in Child Care: Introductory Training for NEW DIRECTORS/OWNERS** may be just what you've been looking for!

This on-line course is designed for new owners/directors of Type I child care programs. The information will help you prepare for licensing and maintain that licensing once received, while providing high quality services to young children and their families. The coursework supplements information and technical assistance available from the Division of Regulated Child Care and your regional Child Care Resource and Referral agency.

While completing the 7-hour course, you will learn about:

- The requirements and processes for opening a Type I child care facility and obtaining a license
- The responsibilities of a director, including policies and procedures, facility records, child supervision, staff supervision and training
- Appropriate learning and care environments, including regulatory requirements, equipping a center, daily schedules and lesson plans, field trips, and health and safety issues
- Requirements for maintaining licensure, survey visits, deficiencies and penalties
- State and local resources to assist you.

Throughout the course, you may print any requirements, guidelines, or resources for later use. Many forms, samples, and job aids also are provided for you to adapt and use.

TO REGISTER, go to Kentucky Virtual Campus: www.kyvu.org, click on Programs & Courses, and type **Getting Started** in the Search box. The \$35 fee is payable by credit card.



Healthy Start in Child Care



Raising the quality
of child care
through health,
safety and nutrition

Services provided:

- Phone or on-site consultation
- Development and assistance in establishing health policies
- Contact hours for providers
- Classes for children

Consultation on health, safety, and nutrition including:

- Sanitizing and disinfecting
- Diaper changing
- Handwashing
- Exclusion of ill children
- Playground safety
- Menu planning
- Safety practices
- Medication safety
- Food allergies
- Emergency preparedness
- Oral health
- Food safety
- SIDS

To find a Healthy Start consultant in your area, contact Cindy Wilson at 859-288-2326.



10/07

Early Care Orientation On-Line (ECOOL)

This web-based training fulfills the mandatory 6-hour orientation requirement for early care and education professionals in Kentucky. According to state regulations, a child care provider is required to complete orientation training within three months of being hired to work in a licensed child care program, or within three months of becoming a certified family child care provider.

ECOOL consists of three modules:

Health, Safety, & Sanitation (2 hours)

Recognizing and Reporting Child Abuse & Neglect (1 hour)

Recommended Practices in Early Care & Education (3 hours)

REGISTRATION

To register for ECOOL, go to www.KYVC.org;

Select Programs & Courses to bring up a quick search box;

Type ECOOL in the quick search box;

Select the current ECOOL open section to begin registration.

Course fee is \$30 and is payable by credit card online.

For registration and technical questions, contact the 24/7 Call Center at Kentucky Virtual Campus (KYVC) at 1-877-740-4357 for assistance.

After registration, you will receive confirmation from KYVC that your ECOOL enrollment has been activated. A total of 29 graded ECOOL quizzes must be completed within 30 days with final scores of 80% or higher to receive a certificate. All graded ECOOL quizzes may be retaken until a score of 80% or higher is received. ECOOL e-mail updates are sent weekly to students to indicate progress and the time remaining for completion.

Completion notifications are sent weekly by email, and certificates are mailed to the address listed on the registration/enrollment form.

For additional information on ECOOL, please contact the [ECOOL Administrator](#).

Please Note: Some computers have a filter that automatically rejects e-mails from new contacts. Therefore, it is very important that you **contact the KYVC Call Center (1-877-740-4357)** or by e-mail: kyvc@kyvc.org if you have not received your KYVC enrollment confirmation after you have paid the ECOOL registration fee.

SECTION IV – Regulatory Information

922 KAR 2:090. Child-care center licensure.

RELATES TO: KRS Chapter 13B 17.165, Chapter 157, 199.011(4), 199.892, 199.894(1), (3), 199.896, 199.898, 600.020(1), 620.030(3), 45 C.F.R. 98.2, 42 U.S.C. 601-619

STATUTORY AUTHORITY: KRS 194A.050(1), 199.896(2), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet, qualify for the receipt of federal funds, and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.896(2) authorizes the cabinet for Health and Family Services to promulgate administrative regulations to establish license fees and standards for a child-care center. KRS 199.896(6) requires the cabinet to establish an informal dispute resolution process. This administrative regulation establishes licensure standards for a child-care center and describes the informal dispute resolution process.

- Section 1. Definitions. (1) "Cabinet" is defined by KRS 199.894(1)
- (2) "Child" is defined by KRS 199.011(4).
- (3) "Child-care center" is defined by KRS 199.894(3).
- (4) "Developmentally appropriate" means suitable for the specific age range of the child.
- (5) "Nontraditional hours" means the hours of:
- (a) 6 p.m. through 6 a.m. Monday through Friday; or
- (b) 6 p.m. on Friday until 6 a.m. on Monday
- (6) "Parent" is defined by 45 C.F.R. 98.2.
- (7) "Secretary" is defined by KRS 199.011(1)

Section 2. Child-care Centers. The following child-care centers shall meet the requirements of this administrative regulation:

- (1) A Type I child-care center. This child-care center shall be licensed to regularly provide child care services for:
- (a) Four (4) or more children in a nonresidential setting; or
- (b) Thirteen (13) or more children in a designated space separate from the primary residence of a licensee; and
- (2) A Type II child-care center. This child-care center shall be primary residence of the licensee in which child care is regularly provided for seven (7), but not more than twelve (12), children including children related to the licensee.

Section 3. Exempt Child Care Settings. The following child-care settings shall be exempt from licensure requirements of this administrative regulation, 922 KAR 2:110, and 922 KAR 2:120:

- (1) Summer camps certified by the cabinet as youth camps which serve school-age children;
- (2) Kindergarten through grade 12 in private schools while school is in session;
- (3) All programs regulated by the Kentucky Department of Education governed by KRS Chapter 157;
- (4) Summer programs operated by a religious organization which a child attends no longer than two (2) weeks;
- (5) Child care provided while parents are on the premises, other than the employment and educational site of parents;
- (6) Child care programs operated by the armed services located on an armed forces base;
- (7) Child care provided by educational programs that include parental involvement with the care of the child and the development of parenting skills;
- (8) Facilities operated by a religious organization while religious services are being conducted; and
- (9) A program providing instructional and educational programs:
- (a) That operates for a maximum of twenty (20) hours per week; and (b) Which a child attends for no more than ten (10) hours per week.

Section 4. Application. (1) An applicant for a license shall submit to the cabinet a completed OIG-RCC-1, Application for a License to Operate a Child Care Center.

- (2) The issuance or reapproval of a license shall be governed under the provisions of Sections 4 through 6 of this administrative regulation
- (3) If the applicant for licensure is a:
- (a) Corporation or a limited liability company, the application shall include a current certificate of existence or authorization from the Secretary of State; or
- (b) Partnership, the application shall include a written statement from each partner that the partnership is current and viable.
- (4) If the status of a corporation, partnership, or ownership of the child-care center changes, the new entity shall submit a completed OIG-RCC-1.
- (5) If ownership of a child-care center changes and the cabinet approves licensure upon inspection of the child-care center under the new ownership, the effective date on the license shall be the date of the approved inspection under the new ownership.

Section 5. License Issuance. (1) A license shall not be issued unless each background check required by KRS 199.896(19) has been completed on behalf of an applicant for licensure

(2) A director, employee, volunteer, or any person with supervisory or disciplinary control over or having direct contact with a child shall submit to a background check; and

- (a) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:
1. Child abuse or neglect check described in 922 KAR 1:470; and
2. Criminal records check required by KRS 199.896(19); and
- (b) Shall not be left alone in the presence of a child if each required background check has not been completed.
- (3) Upon completion of a child abuse or neglect check or criminal records check, described in subsection (2)(a) of this section, a licensee shall discharge immediately a director, employee, volunteer, or any person:
- (a) Whose name is listed on the central registry established by 922 KAR 1:470; or
- (b) Who has been convicted of a crime defined by KRS 17.165(1) through (3).
- (4) An applicant who has been convicted of a nonviolent felony or misdemeanor shall be handled on a case-by-case basis with consideration given to the:
- (a) Nature of the offense;
- (b) Length of time that has elapsed since the event; and
- (c) Applicant's life experiences after conviction.
- (5) If an applicant for licensure has had a prior certification, license, registration, or permit to operate denied or revoked, the cabinet shall grant the applicant a license if:
- (a) A three (3) year period has expired from the:
1. Date of the prior denial or revocation;
2. Last day of legal remedies being exhausted; or
3. Administrative hearing decision; and
- (b) The applicant has:
1. Demonstrated compliance with the provisions of this administrative regulation, 922 KAR 2:110, 922 KAR 2:120, and KRS 199.896;
2. Completed, since the time of the prior denial or revocation, sixty (60) hours of training in child development and child care practice, approved by the cabinet or its designee; and

3 Not had an application, certification, license, registration, or permit denied, revoked, or suspended for one (1) of the reasons set forth in KRS 199.896(19) or Section 10(2) of this administrative regulation.

(6) If a license is granted after the three (3) year period specified in paragraph (a) of this subsection, the licensee shall serve a two (2) year probationary period during which the child-care center shall be inspected on at least a quarterly basis

(7) A license shall specify:

(a) A particular physical location;

(b) A designated sponsor or owner as operator;

(c) Age category of the children in care;

(d) The maximum number of children allowed under center supervision at one (1) time, including a child related to the licensee or an employee, based upon:

1 Available space as determined by the State Fire Marshal's Office in conjunction with the cabinet;

2 Adequacy of program;

3 Equipment; and

4 Staff;

(e) If provided, nontraditional hours;

(f) If provided, transportation; and

(g) A list of services to be provided by the child-care center.

(8) To qualify for and maintain a license, a child-care center shall:

(a) Provide written documentation from the local authority showing compliance with local zoning requirements;

(b) Be approved by the Office of the State Fire Marshal or designee;

(c) Have an approved water and sewage system in accordance with local, county, and state laws;

(d) Have adequate equipment, supplies, and staff to serve initial enrollment of children;

(e) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;

(f) Comply with provisions of this administrative regulation, 922 KAR 2:110, and 922 KAR 2:120;

(g) Cooperate with the state agency during an investigation of an alleged complaint, including an allegation of child abuse or neglect pursuant to KRS 620.030(3); and

(h) Have a director who meets the requirements listed in 922 KAR 2:110.

(9) A child-care center shall allow the cabinet or its designee and parent of an enrolled child unannounced access to the child-care center during the hours of operation.

(10) A license shall be issued and reapproved if the center has met the requirements contained in this administrative regulation, 922 KAR 2:110, 922 KAR 2:120, and KRS 199.896(3), (13), (15), (16), (18), and (19)

(11) A license shall not be sold or transferred.

(12) Changes to a child-care center as listed in 922 KAR 2:110, Section 6(4), (5), and (6) shall be:

(a) In writing to the cabinet or its designee; and

(b) Signed by each owner listed on the license.

(13) The cabinet or its designee shall not charge a fee for acting upon reported changes.

(14) The license shall be posted in a conspicuous place in the child-care center.

(15) A child-care center shall not begin operation without a license to operate from the cabinet.

(16) A child-care center operating without a license shall be subject to legal action.

Section 6 Fees. (1) A nonrefundable licensing fee of fifty (50) dollars shall be charged according to KRS 199.896(3)

(2) Licensing fees shall be:

(a) Payable to the Kentucky State Treasurer;

(b) Attached to the licensure application; and

(c) Paid by:

1 Cashiers check;

2 Certified check; or

3 Money order

Section 7. Annual Reapproval.

(1) A licensee seeking reapproval shall submit, one (1) month prior to license expiration, an OIG-RCC-2, Application for Renewal of a License to Operate a Child Care Center; and

(2) Meet the requirements specified in Sections 4 through 6 of this administrative regulation.

Section 8 Statement of Deficiency and Corrective Action Plans. (1) If a center is found not to be in regulatory compliance, the cabinet or its designee shall complete a written statement of deficiency in accordance with KRS 199.896(5).

(2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within ten (10) calendar days of receipt of the statement of deficiency to eliminate or correct the regulatory violation

(3) A corrective action plan shall include:

(a) Specific action undertaken to correct a violation;

(b) The date action was or shall be completed; and

(c) Action utilized to assure ongoing compliance

(4) The cabinet or its designee shall review the plan and notify the child-care center within thirty (30) calendar days of receipt of the plan, in writing, of the decision to:

(a) Accept the plan;

(b) Not accept the plan; or

(c) Deny, suspend, or revoke the child-care center's license, in accordance with Section 10 of this administrative regulation.

(5) A notice of unacceptability shall state the specific reasons the plan is unacceptable

(6) A child-care center notified of the unacceptability of its plan shall:

(a) Within ten (10) calendar days of notification, submit an amended plan; or

(b) Have its license revoked or denied for failure to submit an acceptable amended plan in accordance with KRS 199.896(4).

(7) Following two (2) unacceptable plans of correction, in a forty-five (45) calendar day period, the cabinet may deny or revoke an application for licensure or license.

(8) A statement of deficiency that poses an immediate threat to the health, safety, or welfare of a child shall be corrected within five (5) working days of notification in accordance with KRS 199.896(5)(c).

Section 9. Intermediate Sanctions. (1) If the cabinet determines that a child-care center is in violation of this administrative regulation, 922 KAR 2:110, or 922 KAR 2:120, the cabinet may, based on the severity of the violation:

(a) Require the provider to participate in additional training;

(b) Increase the frequency of monitoring by cabinet staff;

- (c) Enter into an agreement with the provider detailing the requirements for remedying a violation and achieving compliance; or
- (d) Notify or require the provider to notify a parent of a child who may be affected by the situation for which an intermediate sanction has been imposed.
- (2) An intermediate sanction shall result in a suspension or revocation of the license if a child-care center:
 - (a) Fails to meet a condition of the intermediate sanction; or
 - (b) Violates a requirement of an intermediate sanction

Section 10. Basis for Denial, Suspension or Revocation. (1) The cabinet shall deny, suspend, or revoke a license in accordance with KRS 199.896(4) and (19) if the applicant for licensure, director, employee, or a person who has supervisory authority over, or direct contact with, a child fails to meet the requirements of this administrative regulation or those of 922 KAR 2:110 or 922 KAR 2:120.

(2) For the purposes of KRS 199.896(19), an applicant who has been found by the cabinet to have abused or neglected a child shall mean an individual who is listed on the central registry described in 922 KAR 1:470.

(3) A child abuse or neglect check required by KRS 199.896(19) shall be conducted:

- (a) One (1) time; and
- (b) Within ninety (90) calendar days of initial employment.
- (4) A director, employee, volunteer, any person with supervisory or disciplinary control over, or having direct contact with, a child shall report to the licensee if:
 - (a) Convicted of a violent crime or sex crime defined by KRS 17.165(1) through (3);
 - (b) The subject of a cabinet child abuse or neglect investigation; or
 - (c) Found by the cabinet or a court to have abused or neglected a child
- (5) Each licensee shall report to the cabinet or its designee if the licensee, director, employee, volunteer, or another person who submitted to a background check meets a criterion of subsection (4) of this section.

(6) Emergency action shall be taken in accordance with KRS 199.896(4).

(7) Public information shall be provided in accordance with KRS 199.896(10) and (11), and 199.898(2)(d) and (e).

(8) The cabinet may deny an applicant for a license if:

- (a) The applicant has been previously denied or revoked;
- (b) Denial or revocation proceedings were initiated and the licensee voluntarily relinquished the license;
- (c) An appeal of a denial or revocation is pending;
- (d) The applicant previously failed to comply with the requirements of KRS 199.896, 922 KAR 2:110, 922 KAR 2:120, or this administrative regulation; or
- (e) The applicant is the parent, spouse, sibling, or child of a previous licensee whose license was denied or revoked as described in paragraphs (a) through (d) of this subsection, and the previous licensee will be involved in the child-care center in any capacity.

(9) A child-care center's license shall be revoked if:

- (a) A representative of the center interferes with a cabinet representative's ability to perform an official duty; or
- (b) A cabinet representative or parent is denied access to:
 - 1. A child; or
 - 2. The child-care center.

(10) The cabinet or its designee shall suspend the license if regulatory violations are found that pose an immediate threat to the health, safety, and welfare of the children in care as described in KRS 199.896(4).

Section 11. Failure to Pay Civil Monetary Penalty. After sixty (60) calendar days of completing the administrative appeal process, a license shall be denied or revoked when a child-care center fails to:

- (1) Pay the civil monetary penalty levied against the center; or
- (2) Make arrangements to pay a civil monetary penalty and comply with the arrangement.

Section 12. Right of Appeal. (1) If an application has been denied or a licensee receives notice of suspension or revocation, the cabinet shall inform the applicant for licensure or licensee by written notification of the right to appeal the notice of adverse action in accordance with KRS Chapter 13B and 199.896(7).

(2) An adverse action may be appealed by filing form OIG-RCC-3, Request for Appeal, for a hearing. The request shall:

- (a) Be submitted to the Secretary of the cabinet or designee within twenty (20) calendar days of receipt of the notice of adverse action; and
- (b) Specify if an applicant for licensure or licensee requests an opportunity to informally dispute the notice of adverse action.

(3) If an applicant for licensure or a licensee files an OIG-RCC-3 for a hearing the cabinet shall:

- (a) Appoint a hearing officer; and
- (b) Proceed pursuant to KRS 13B.050

(4) If an applicant for licensure or a licensee files a request for a hearing and a request for an informal dispute resolution, the cabinet shall:

- (a) Abate the formal hearing pending completion of the informal dispute resolution process; and
- (b) Proceed to informal dispute resolution.

Section 13. Informal Dispute Resolution.

(1) A request for informal dispute resolution shall:

- (a) Accompany the request for a hearing;
- (b) Identify the licensure deficiency in dispute;
- (c) Specify the reason the applicant for licensure or licensee disagrees with the deficiency; and
- (d) Include documentation that disputes the deficiency.

(2) Upon receipt of the written request for informal dispute resolution, the regional program manager or designee shall:

- (a) Review documentation submitted by the applicant for licensure or licensee; and
- (b) If requested, schedule a first-level informal dispute resolution meeting with the applicant for licensure or licensee

(3) The first-level informal dispute resolution meeting shall be held within ten (10) calendar days of receipt of the request by the cabinet, unless both parties agree in writing to an extension of time.

(4) The first-level informal dispute resolution meeting shall be conducted by:

- (a) The regional program manager or designee; and
- (b) A child care surveyor who did not participate in the survey resulting in the disputed deficiency.

(5) Within ten (10) calendar days of completion of the first-level informal dispute resolution meeting or request, the regional program manager or designee shall:

- (a) Issue a decision by written notification to the return address specified in the request for informal dispute resolution;
- (b) If a change is made to the statement of deficiencies, issue an amended statement of deficiencies; and
- (c) Specify whether the adverse action has been rescinded.

(6) An applicant or a licensee may appeal a decision issued by the regional program manager or designee by:

- (a) Proceeding with a hearing according to KRS 13B.050; or
- (b) Filing a written request for a second-level informal dispute resolution to the Director of the Division of Regulated Child Care or designee within ten (10) calendar days of receipt of the first level decision. The request shall specify whether the applicant for licensure or licensee requests a meeting with cabinet staff

(7) Upon receipt of the written request for second-level informal dispute resolution, the Director of the Division of Regulated Child Care or designee shall:

- (a) Review the decision issued from the first-level informal dispute resolution;

- (b) Review the documentation described in subsection (1)(d) of this section; and
- (c) If requested, schedule a second-level informal dispute resolution meeting with the applicant for licensure or licensee.
- (8) The second-level informal dispute resolution meeting shall be held within ten (10) calendar days of receipt of the request by the cabinet, unless both parties agree in writing to an extension of time.
- (9) Within ten (10) calendar days of completion of the second-level informal dispute resolution meeting or request, the Director of the Division of Regulated Child Care or designee shall:
 - (a) Issue a decision by written notification to the return address specified in the request for second-level informal dispute resolution;
 - (b) If a change is made to the statement of deficiencies, issue an amended statement of deficiencies; and
 - (c) Specify whether the adverse action has been rescinded.
- (10) If a second-level informal review is requested in lieu of a first-level informal dispute resolution meeting, the Director of the Division of Regulated Child Care or designee shall comply with the provisions of subsection (9)(a) through (c) of this section within ten (10) calendar days of receipt of the request for second-level informal dispute resolution.
- (11) If an applicant for licensure or licensee is satisfied with the decision issued during informal dispute resolution, the request for a hearing shall be withdrawn.
- (12) If an applicant for licensure or licensee is not satisfied with the decision issued from the second-level informal dispute resolution, the hearing previously held in abeyance shall be conducted in accordance with KRS Chapter 13B concerning the deficiencies that were reviewed in the informal review process.
- (13) A request for informal dispute resolution shall not:
 - (a) Limit, modify, or suspend enforcement action against the applicant for licensure or licensee; or
 - (b) Delay submission of a written plan of correction.
- (14) Emergency action taken in accordance with Section 10(6) of this administrative regulation shall conform to the requirements of KRS 199.896(4). The informal dispute resolution process shall not restrict the cabinet's ability to issue an emergency order to stop, prevent, or avoid an immediate threat to public health, safety, or welfare under KRS 13B.125(2) and 199.896(4).

Section 14 Incorporation by Reference

- (1) The following material is incorporated by reference:
 - (a) "OIG-RCC-1, Application for a License to Operate a Child Care Center", edition 12/07;
 - (b) "OIG-RCC-2, Application for Renewal of a License to Operate a Child Care Center", edition 12/07; and
 - (c) "OIG-RCC-3, Request for Appeal", edition 12/07.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Inspector General's Office, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (20 Ky.R. 251; Am. 555; 805; eff. 10-13-93; Recodified from 905 KAR 2:090, 7-8-99; 26 Ky.R. 1261; 1577; eff. 2-1-2000; 27 Ky.R. 1639; 2178; eff. 2-1-2001; 28 Ky.R. 2107; 2614; eff. 6-14-2002; 34 Ky.R. 1243; 2156; eff. 3-19-08.)

922 KAR 2:110. Child-care center provider requirements.

RELATES TO: KRS 17.165, 199.011(2), 199.894(3), 199.896(2), (10), (11), (15)-(20), 199.898, 214.010, 214.036, 314.011(5), 620.030, 45 C.F.R. 98.2
STATUTORY AUTHORITY: KRS 194A.050(1), 199.896(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet, qualify for the receipt of federal funds, and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.896(2) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations and standards for child care centers. This administrative regulation establishes standards for child-care centers.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 199.011(2).

(2) "Child care" means care of a child in a center or home which regularly provides full or part-time care, day or night, and includes developmentally-appropriate play and learning activities.

(3) "Child-care center" is defined by KRS 199.894(3).

(4) "Director" means an individual who meets the education and training requirements as specified in Section 4 of this administrative regulation.

(5) "Health professional" means a person actively licensed as a:

(a) Physician;

(b) Physician's assistant;

(c) Advanced registered nurse practitioner; or

(d) Registered nurse as defined by KRS 314.011(5) under the supervision of a physician.

(6) "Infant" means a child who is less than twelve (12) months of age.

(7) "Licensee" means an individual, partnership, corporation, or other entity authorized to operate a child-care center.

(8) "Parent" is defined by 45 C.F.R. 98.2

(9) "Parental or family participation" means a child-care center's provision of information or inclusion of a child's parent in the child-care center's activities such

as:

(a) Distribution of a newsletter;

(b) Distribution of a program calendar;

(c) A conference between the provider and a parent; or

(d) Other activity designed to engage a parent in the program's activities.

(10) "Premises" means the building and contiguous property in which child care is provided.

(11) "Qualified substitute" means a person who meets the requirements of a staff person as described in Section 5 of this administrative regulation.

(12) "School-age" means a child attending kindergarten, elementary or secondary education.

(13) "Toddler" means a child between the age of twelve (12) months and twenty-four (24) months

(14) "Type I child-care center" means a child-care center licensed to regularly provide child care services for:

(a) Four (4) or more children in a nonresidential setting; or

(b) Thirteen (13) or more children in a residential setting with designated space separate from the primary residence of a licensee

(15) "Type II child-care center" means the primary residence of the licensee in which child care is regularly provided for at least seven (7), but not more than twelve (12), children including children related to the licensee.

Section 2. General. (1) A licensee shall be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:090, and 922 KAR 2:120.

(2) Child-care center staff shall be:

(a) Instructed by the child-care center's director regarding requirements for operation; and

(b) Provided with a copy of this administrative regulation, 922 KAR 2:090, and 922 KAR 2:120.

(3) Information concerning a child or the child's parent shall be kept in strict confidence by child-care center staff, except as otherwise required by law.

(4) A volunteer or board member shall comply with the policies and procedures of the child-care center

(5) Program policies and procedures shall:

(a) Be in writing; and

(b) Include:

1. Staff policies;

2. Job descriptions;

3. An organization chart;

4. Chain of command; and

5. Other procedures necessary to ensure implementation of:

a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;

b. 922 KAR 2:090, Child-care center licensure;

c. 922 KAR 2:120, Child-care center health and safety standards; and

d. This administrative regulation.

(6) An activity of a person living in a child-care center that is a dwelling unit shall not interfere with the child-care center program

(7) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public

inspection:

(a) Each statement of deficiency and civil monetary penalty notice issued by the cabinet during the current licensure year;

(b) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;

(c) A description of services provided by the child-care center, including:

1. Current rates for child care; and

2. Each service charged separately and in addition to the basic rate for child care.

(d) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and

(e) Daily schedule.

Section 3. Records. The following records shall be maintained at the child-care center for five (5) years:

(1) Sufficient records to:

(a) Identify each child enrolled in the child-care center; and

(b) Enable the person in charge to contact each child's:

1. Parent at:

a. Home; or

b. Place of employment; and

2. Family physician; and

(c) Identify the name of each person designated in writing by the parent to pick up the child;

(2) Each child's medical history, along with authorization for emergency medical care, signed by the parent and left with the child-care center director at the time of enrollment;

- (3) Except as provided in KRS 214.036, a current immunization certificate showing that the child is immunized pursuant to 902 KAR 2:060, placed on file within thirty (30) days of enrollment;
- (4) Permission forms for each trip off the premises signed by the parent;
- (5) Daily attendance records documenting the arrival and departure time of each child;
- (6) A written schedule of staff working hours;
- (7) A Written record of training participation for each child-care center staff person, to include:
- The training source;
 - Location;
 - Date; and
 - Number of clock hours completed;
- (8) A written annual plan for child-care staff professional development;
- (9) A written record of quarterly, practiced earthquake and tornado drills detailing the date, time, and children who participated;
- (10) A written record of practiced fire drills conducted monthly detailing the date, time, and children who participated;
- (11) A written plan and diagram outlining the course of action in the event of natural or manmade disaster, posted in a prominent place;
- (12) For the director, employee, volunteer, or any person with supervisory or disciplinary control over, or having direct contact with a child, results of the:
- Criminal records check in accordance with KRS 17.165;
 - Child abuse and neglect check in accordance with 922 KAR 1:470; and
 - Background check from:
 - Previous state of residence, if the individual has been a resident outside of Kentucky in the previous five (5) years; or
 - Current state of residence, if other than Kentucky; and
- (13) A written record of reports to the cabinet required in Section 6(1) of this administrative regulation.

Section 4. Director Requirements and Responsibilities. (1) Effective with the adoption of this administrative regulation, a director shall:

- Be twenty-one (21) years of age;
 - Have a high school diploma, a general equivalency diploma (GED), or qualifying documentation from a comparable educational entity;
 - Not be employed in a position other than an on-site child care director, or director of multiple facilities, during the hours the child-care center is in operation; and
 - Ensure compliance with 922 KAR 2:090, 922 KAR 2:120 and this administrative regulation;
 - Manage the staff in their individual job descriptions;
 - Develop child-care center plans, policies, and procedures;
 - Supervise staff conduct to ensure implementation of program policies and procedures;
 - Post a schedule of daily activities, to include lists and dates of activities to be conducted with the children in each classroom;
 - Conduct, manage, and document in writing staff meetings;
 - Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;
 - Assure that additional staff are available during cooking and cleaning hours, if necessary, to maintain staff-to-child ratios pursuant to 922 KAR 2:120;
 - Provide for the health, safety, and comfort of each child;
 - Notify the parent immediately of an accident or incident requiring medical treatment of a child;
 - Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the:
 - Criminal records check required by KRS 199.896(19); and
 - Child abuse or neglect check in accordance with 922 KAR 1:470;
 - Assure each mandatory record specified in Section 3 of this administrative regulation has not been altered or falsified; and
 - Coordinate at least one (1) annual activity involving parental or family participation.
- (2) The director of a Type I child-care center shall meet one (1) of the following educational requirements:
- Master's degree in Early Childhood Education and Development;
 - Bachelor's degree in Early Childhood Education and Development;
 - Master's degree or a bachelor's degree in a field other than Early Childhood Education and Development, including a degree in pastoral care and counseling, plus twelve (12) clock hours of child development training;
 - Associate degree in Early Childhood Education and Development;
 - Associate degree in a field other than Early Childhood Education and Development, plus twelve (12) clock hours of child development training, and two (2) years of verifiable full-time paid experience working directly with children in:
 - A Director's Credential in Early Childhood Development and one (1) year of verifiable full-time paid experience working directly with children in:
 - A school-based program following Department of Education guidelines;
 - An early childhood development program, such as Head Start; or
 - A licensed or certified child care program;
 - Child development associate plus one (1) year of verifiable paid experience working directly with children in:
 - A school-based program following Department of Education guidelines;
 - An early childhood development program (head start); or
 - A licensed or certified child-care program; or
 - Three (3) years of verifiable full-time paid experience working directly with children in:
 - A school-based program following Department of Education guidelines;
 - An early childhood development program, such as Head Start; or
 - A licensed or certified child-care program.
- (3) The director of a Type II child-care center shall:
- Meet the requirements in subsection (2) of this section; or
 - Meet two (2) of the following:
 - Have twelve (12) hours of orientation and child development training;
 - Have one (1) year of verifiable full-time paid experience working directly with children in:
 - A school-based program following Department of Education guidelines;
 - An early childhood development program, such as Head Start; or
 - A licensed or certified child-care program; or
 - Obtain six (6) additional hours of training in child day care program administration.

Section 5. Staff Requirements. (1) Child-care center staff;

- Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:
 - High school diploma;
 - GED or qualifying documentation from a comparable educational entity; or
 - Commonwealth Child Care Credential as described in 922 KAR 2:250; and
- Shall provide, prior to employment and every two years thereafter:
 - A statement from a health professional that the individual is free of active tuberculosis; or

2. A copy of the results of a negative tuberculin skin test
- (2) A child-care center shall not employ a person:
 - (a) Convicted of a crime pursuant to KRS 17.165(5); or
 - (b) Found by the cabinet to have abused or neglected a child, pursuant to 922 KAR 1:470.
- (3) At least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:
 - (a) Infant and child cardiopulmonary resuscitation; and
 - (b) Infant and child first aid
- (4) Infant and child cardiopulmonary resuscitation (CPR) and first aid training shall be in addition to the fifteen (15) clock hours requirement in subsection (14) of this section.
- (5) One (1) adult staff person shall be designated as being in charge. If the director is not present in the child-care center, the designated staff person in charge shall carry out the duties of the director.
- (6) Child-care centers shall have available in case of need:
 - (a) One (1) qualified substitute staff person for a Type II child-care center; or
 - (b) Two (2) qualified substitute staff persons for a Type I child-care center
- (7) Each qualified substitute staff person shall:
 - (a) Meet the staff requirements of this administrative regulation; and
 - (b) Provide the required documentation to verify compliance with this administrative regulation
- (8) A qualified substitute who works in more than one (1) licensed child-care center shall provide the required documentation to verify compliance with this administrative regulation at the time of employment with each child-care center
- (9) If the operator of a Type II child-care center is unable to provide care in accordance with this administrative regulation, 922 KAR 2:090, or 922 KAR 2:120, the Type II child-care center shall close temporarily until the operator is able to resume compliance;
- (10) The minimum number of adult workers in a child-care center shall be sufficient to ensure that:
 - (a) Minimum staff-to-child ratios in accordance with 922 KAR 2:120 are followed;
 - (b) Each staff person under eighteen (18) years of age and each student trainee are under the direct supervision of a qualified staff person who meets the requirements of this section; and
 - (c) Unless providing care with a qualified staff person, a person under the age of eighteen (18) shall not be counted as staff for the staff-to-child ratio.
- (11) Except for medication prescribed by a physician, a controlled substance or alcohol use shall not be permitted on the premises during hours of operation.
- (12) Each staff person shall remain awake while on duty except as specified in 922 KAR 2:120, Section 2(11)(f)
- (13) For each adult residing at a child-care center, the results of the following shall be maintained on file at the center:
 - (a) Criminal records check indicating that the adult has not been convicted of a crime pursuant to KRS 17.165(5);
 - (b) Child abuse and neglect checks in accordance with 922 KAR 1:470, indicating that the adult has not been found by the cabinet to have abused or neglected a child; and
 - (c) A copy of the results of a negative tuberculosis skin test or a health professional's statement documenting that the adult is free of tuberculosis
- (2) years, the adult shall provide evidence of a negative tuberculosis skin or health professional's statement documenting that the adult is free of tuberculosis.
- (14) A staff person with supervisory authority over a child shall complete the following:
 - (a) Six (6) hours of cabinet-approved orientation within the first three (3) months of employment;
 - (b) Nine (9) hours cabinet-approved child development training within the first year of employment; and
 - (c) Fifteen (15) hours of cabinet-approved training during each subsequent year of employment.

Section 6. Reports (1) The following shall be reported to the cabinet or designee and other agencies specified in this section within twenty-four (24) hours from the time of discovery:

- (a) Communicable disease, which shall also be reported to the local health department pursuant to KRS 214.010;
- (b) An accident or injury to a child that requires medical care;
- (c) An incident that results in legal action by or against the child-care center that affects a child or staff person; or
- (d) An incident involving fire or other emergency.
- (2) An incident of child abuse or neglect shall be reported to the cabinet pursuant to KRS 620.030.
- (3) A licensee shall report to the cabinet within one (1) week:
 - (a) Any resignation, termination, or change of director; and
 - (b) The name of the acting director who satisfies the requirement of Section (4) of this administrative regulation.
- (4) Written notification of the following shall be made to the cabinet to allow for approval before implementation:
 - (a) Change of ownership;
 - (b) Change of location;
 - (c) Increase in capacity;
 - (d) Change in hours of operation;
 - (e) Change of services in the following categories:
 1. Infant;
 2. Toddler;
 3. Two (2) years to school-age;
 4. School-age;
 5. Nontraditional hours; or
 6. Transportation; or
 - (f) Addition to the square footage a child-care center's premises.
- (5) The death of a child in care shall be reported to the cabinet within one (1) hour.
- (6) The cabinet and parent of a child enrolled in a child-care center shall receive notice as soon as practicable and prior to a child care center's temporary or permanent closure. (20 Ky R. 254; Am. 560; 810; eff. 10-13-93; Recodified from 905 KAR 2:110, 10-30-98; Am. 27 Ky R. 2929; 28 Ky R. 113; 401; eff. 8-15-2001; 34 Ky R. 1256; 2167; eff. 3-19-08.)

922 KAR 2:120. Child-child care center health and safety standards.

RELATES TO: KRS Chapter 151, Chapter 186, 199.894(1), 199.896(2), (18), (19), 199.898, 211.350-211.380, Chapter 217, 227.220, 314.011(5), 620.030, 16 C.F.R. 1508, 1509, 45 C.F.R. 98.2, 49 C.F.R. 571.213

STATUTORY AUTHORITY: KRS 194A.050(1), 199.896(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet, qualify for the receipt of federal funds, and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.896(2) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations and standards for child-care centers. This administrative regulation establishes health and safety standards for child-care centers.

Section 1 Definitions. (1) "Adequate supervision" means that qualified staff devotes full-time attention to a child in care and ensures the child is within scope of vision and range of voice.

(2) "Cabinet" is defined by KRS 199.894(1)

(3) "Director" means an individual:

(a) Who meets the education and training requirements as specified in 922 KAR 2:110, Section 4;

(b) Whose primary full-time job responsibilities are to ensure compliance with 922 KAR 2:090, 922 KAR 2:110, and this administrative regulation; and

(c) Who is responsible for directing the program and managing the staff at the child-care center

(4) "Health professional" means a person currently licensed as a:

(a) Physician;

(b) Physician's assistant;

(c) Advanced registered nurse practitioner; or

(d) Registered nurse as defined in KRS 314.011(5) under the supervision of a physician

(5) "Infant" means a child who is less than twelve (12) months of age

(6) "Licensee" means an individual, partnership, corporation, or other entity authorized to operate a child-care center

(7) "Nontraditional hours" means the hours of:

(a) 6 p.m. through 6 a.m., Monday through Friday; or

(b) 6 p.m. on Friday until 6 a.m. on Monday

(8) "Parent" is defined in 45 C.F.R. 98.2

(9) "Premises" means the building and contiguous property in which child care is provided.

(10) "Protective surface" means loose surfacing material not installed over concrete which includes the following:

(a) Wood mulch;

(b) Double shredded bark mulch;

(c) Uniform wood chips;

(d) Fine sand;

(e) Coarse sand;

(f) Pea gravel, except for areas used by children under three (3) years of age;

(g) Certified shock absorbing resilient material; or

(h) Other material approved by the cabinet or designee.

(11) "Related" means having one (1) of the following relationships with the operator of the child care center:

1 Child;

2 Grandchild;

3 Niece;

4 Nephew;

5 Sibling;

6 Stepchild; or

7 Child in legal custody of the operator

(12) "School-age" means a child enrolled in kindergarten, elementary, or secondary education

(13) "Toddler" means a child between the age of twelve (12) months and twenty-four (24) months

(14) "Type I child-care center" means a child-care center licensed to regularly provide child care services for:

(a) Four (4) or more children in a nonresidential setting; or

(b) Thirteen (13) or more children in a residential setting with designated space separate from the primary residence of a licensee

(15) "Type II child-care center" means the primary residence of the licensee in which child care is regularly provided for at least seven (7), but not more than twelve (12), children including children related to the licensee

Section 2 Child Care Services. (1) Services described in this administrative regulation shall be maintained during all hours of operation that child care is provided

(2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:

Age of Children	Ratio	Maximum Group Size*
Infant	1 staff for 5 children	10
Toddler	1 staff for 6 children	12
2 to 3 years	1 staff for 10 children	20
3 to 4 years	1 staff for 12 children	24
4 to 5 years	1 staff for 14 children	28
5 to 7 years	1 staff for 15 children	30
7 and older	1 staff for 25 children (for before and after school)	30
	1 staff for 20 children (full day of care)	30

*Maximum Group Size shall be applicable only to Type I centers.

(a) In a Type I center, a group size shall:

1 Be separately maintained in a defined area unique to the group; and

2 Have specific staff assigned to, and responsible for, the group

(b) The age of the youngest child in the group shall determine the:

1 Staff-to-child ratio; and

2 Maximum group size

- (c) This subsection and subsection (9) of this section shall not apply during normal school hours to a center:
- 1 Providing early childhood education to mixed-age groups of children whose ages range from two and one-half (2 1/2) years to six (6) years; and
 - 2 Accredited by or affiliated with a nationally-recognized education association that has criteria for group size and staff-to-child ratios contrary to the requirements of this subsection.
- (d) If a child related to the director, employee, or person under the supervision of the licensee is receiving care in the center, the child shall be included in the staff-to-child ratio.
- (3)(a) Each center shall maintain a child care program that assures each child will be:
- 1 Provided adequate supervision at all times; and
 - 2 Protected from abuse or neglect
- (b) The program shall include:
- 1 A procedure to inform child care staff of the laws of the Commonwealth pertaining to child abuse or neglect set forth in KRS 620.030; and
 - 2 Written policy that specifies that the procedures that were taught at the orientation training shall be implemented by each child-care center staff member
- (4) The child-care center shall provide a daily planned program of activities:
- (a) Posted in writing in a conspicuous location with each age group and followed;
 - (b) Geared to the individual needs and developmental levels of each child served;
 - (c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being;
 - (d) That offers a variety of creative activities including the following:
 - 1 Art;
 - 2 Music;
 - 3 Dramatic play;
 - 4 Stories and books;
 - 5 Science;
 - 6 Block building;
 - 7 Tactile activity;
 - 8 Culture;
 - 9 Indoor or outdoor play in which a child makes use of both small and large muscles;
 - 10 A balance of active and quiet play, including group and individual activity;
 - 11 An opportunity for a child to:
 - a Have some free choice of activities;
 - b If desired, play apart from the group at times; and
 - c Practice developmentally-appropriate self-help procedures in respect to:
 - (i) Clothing;
 - (ii) Toileting;
 - (iii) Hand-washing; and
 - (iv) Eating; and
 - 12 Use of electronic viewing and listening devices if the:
 - a Material is appropriate to the child using the equipment;
 - b Material does not include any violence, adult content viewing, or inappropriate language;
 - c Viewing or listening is limited to two (2) hours per day;
 - d Viewing or listening is discussed with parents prior to viewing or listening; and
 - e Viewing or listening is designed as an educational tool
- (5) A child who does not wish to use the electronic devices during the planned program shall be offered other appropriate activities
- (6) Regularity of routines shall be implemented to afford the child familiarity with the daily schedule of activity
- (7) Sufficient time shall be allowed for an activity so that a child may progress at their own developmental rate
- (8) A child shall not be required to stand or sit for a prolonged period of time:
- (a) During an activity;
 - (b) While waiting for an activity to start; or
 - (c) As punishment
- (9) If school-age care is provided:
- (a) A separate area or room shall be provided in a Type I center; and
 - (b) Each child shall be provided a snack after school
- (10) A child shall not be subjected to:
- (a) Corporal physical discipline pursuant to KRS 199.896(18);
 - (b) Loud, profane, threatening, frightening, or abusive language; or
 - (c) Discipline that is associated with:
 - 1 Rest;
 - 2 Toileting; or
 - 3 Food
- (11) If nontraditional hours of care are provided:
- (a) Including time spent in school, a child shall not be permitted to spend more than sixteen (16) hours in the child-care center during one (1) twenty-four (24) hour period;
 - (b) At least one (1) staff member shall be assigned responsibility for each sleeping room;
 - (c) A child present for an extended period of time during waking hours shall receive a program of well-balanced and constructive activity geared to the child's age level and developmental needs;
 - (d) A child sleeping three (3) hours or more shall sleep in:
 - 1 Pajamas; or
 - 2 A nightgown;
 - (e) If a child attends school from the child-care center, the child shall be offered breakfast; and
 - (f) Staff shall:
 - 1 If employed by a Type I center, remain awake while on duty; or
 - 2 If employed by or is the operator of a Type II center, remain awake until every child in care is asleep.

Section 3. General Requirements (1) Electronic viewing and listening devices shall only be used in the center as a part of the child's planned program of activity described Section 2(4)(d).

- (2) Activity areas, equipment, and materials shall be arranged so that the child's activity can be given adequate supervision by staff.
- (3) Computer equipment shall be equipped with a monitoring device which limits access by a child to items inappropriate for a child to view or hear
- (4) A child shall:
 - (a) Be helped with personal care and cleanliness; and
 - (b) Wash his or her hands with liquid soap and warm running water:
 - 1 Upon arrival at the center;

2. Before and after eating or handling food;
3. After toileting or diaper change;
4. After handling animals;
5. After wiping or blowing nose;
6. After touching items soiled with body fluids or wastes; and
7. After outdoor or indoor play time

(5) Staff shall:

- (a) Maintain personal cleanliness;
- (b) Conform to hygienic practices while on duty; and
- (c) Wash their hands with liquid soap and running water:

1. Upon arrival at the center;
2. After toileting or assisting a child in toileting;
3. Before and after diapering each child;
4. After wiping or blowing a child's or own nose;
5. After handling animals;
6. After caring for a sick child;
7. Before and after feeding a child or eating;
8. Before dispensing medication; and
9. If possible, before administering first aid

(6) A staff person suspected of being infected with a communicable disease shall:

- (a) Not perform duties that may allow for the transmission of the disease until the infectious condition can no longer be transmitted; and
- (b) Provide a statement from a health professional, if requested

(7) The following shall be inaccessible to a child in care:

- (a) Toxic cleaning supplies, poisons, and insecticides;
- (b) Knives and sharp objects;
- (c) Matches, cigarettes, lighters, and flammable liquids;
- (d) Plastic bags;
- (e) Litter and rubbish;
- (f) Bar soap; and
- (g) Personal belongings of staff.

(8) Guns and ammunition shall be stored separately in a locked area outside of the designated child care area.

(9) Smoking shall:

- (a) Be permitted in accordance with local ordinances;
- (b) Be allowed only in outside designated areas; and
- (c) Not be permitted in the presence of a child.

(10) While bottle feeding an infant, the:

- (a) Child shall be held; and
- (b) Bottle shall not be:

1. Propped;
2. Left in the mouth of a sleeping infant; or
3. Heated in a microwave

(11) Except for an infant, toddler, or a child who attends nontraditional hours of care, a child shall have rest periods not to exceed two (2) hours. A child who does not sleep shall be permitted to play quietly after a reasonable rest period specific to the needs of the child

(12) Staff in a child-care center shall follow the most current policy of the American Academy of Pediatrics, located at <http://www.aap.org/>, when placing a child to sleep

Section 4. Premises Requirements (1) The premises shall be:

- (a) Suitable for the purpose intended;
- (b) Kept clean and in good repair; and
- (c) Equipped with a land-line telephone accessible to a room used by a child

(2) A child-care center shall be in compliance with the State Fire Marshal requirements established in KRS 227.220 and the local zoning laws

(3) Fire and emergency exits shall be kept clear of debris

(4) The building shall be constructed to ensure the:

(a) Building is:

1. Dry;
2. Adequately heated;
3. Ventilated; and
4. Well lit, including clean light fixtures:
 - a. That are in good repair in all areas; and
 - b. Shielded or have shattered proof bulbs installed; and

(b) Following are protected:

1. Windows;
2. Doors;
3. Stoves;
4. Heaters;
5. Furnaces;
6. Pipes; and
7. Stairs

(5) Exclusive of the kitchen, bathroom, hallway, and storage area, there shall be a minimum of thirty-five (35) square feet of space per child

(6) Measures shall be utilized to control the presence of:

- (a) Rodents;
- (b) Flies;
- (c) Roaches; and
- (d) Other vermin

(7) An opening to the outside shall be effectively protected against the entrance of vermin by:

- (a) Self-closing doors;
- (b) Closed windows;
- (c) Screening;
- (d) Controlled air current; or
- (e) Other effective means.

- (8) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned
- (9) The water supply shall be:
 - (a) Potable;
 - (b) Protected from contamination;
 - (c) Adequate in quality and volume;
 - (d) Under sufficient pressure to permit unrestricted use; and
 - (e) Obtained from an approved public water supply or a source approved by the local health department.
- (10) Groundwater supplies for a center caring for:
 - (a) More than twenty-five (25) children shall meet the specifications of the Cabinet for Environmental and Public Protection Division of Water, established in KRS Chapter 151; or
 - (b) Twenty-five (25) children or less shall secure approval from the:
 - 1. Cabinet for Environmental and Public Protection; or
 - 2. Local health department.
- (11) Sewage shall be properly disposed by a method approved by the:
 - (a) Cabinet for Environmental and Public Protection; or
 - (b) Cabinet.
- (12) All plumbing shall comply with the State Plumbing Code established in KRS 211.3470.
- (13) Solid waste shall be kept in a suitable receptacle in accordance with local, county and state law, as governed by KRS 211.350 to 211.380.
- (14) If a portion of the building is used for a purpose other than child care, necessary provisions shall be made to avoid interference with the child care program
- (15) The temperature of the inside area of the premises shall be:
 - (a) Sixty-five (65) to seventy-five (75) degrees Fahrenheit during the winter; or
 - (b) Sixty-eight (68) to eighty-two (82) degrees Fahrenheit during the summer months
- (16) A kitchen shall not be required if:
 - (a) The only food served is an afternoon snack to school-age children; and
 - (b) Adequate refrigeration is maintained
- (17) The Department of Housing, Buildings and Construction, State Fire Marshal's Office, and cabinet shall be contacted concerning a planned new building, addition, or major renovation prior to construction
- (18) An outdoor play area shall be:
 - (a) Except for an after-school child care program, located on the premises of a public or state-accredited nonpublic school, fenced for the safety of the children;
 - (b) A minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (5) of this section;
 - (c) Free from:
 - 1. Litter;
 - 2. Glass;
 - 3. Rubbish; and
 - 4. Flammable materials;
 - (d) Safe from foreseeable hazard;
 - (e) Well drained;
 - (f) Well maintained;
 - (g) In good repair; and
 - (h) Visible to staff at all times.
- (19) A protective surface shall:
 - (a) Be provided for outdoor play equipment used to:
 - 1. Climb;
 - 2. Swing; and
 - 3. Slide; and
 - (b) Have a fall zone equal to the height of the equipment
- (20) If a child-care center does not have access to an outdoor play area, an indoor space shall:
 - (a) Be used as a play area;
 - (b) Have a minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (5) of this section;
 - (c) Include equipment for gross motor skills;
 - (d) Be well-ventilated;
 - (e) Be heated; and
 - (f) Have a protective surface of at least two (2) inches thick around equipment intended for climbing
- (21) Fences shall be:
 - (a) Constructed of safe material;
 - (b) Stable; and
 - (c) In good condition.
- (22) Supports for climbing apparatus and large equipment shall be securely fastened to the ground
- (23) Crawl spaces, such as tunnels, shall be short and wide enough to permit access by adults
- (24) A sandbox shall be:
 - (a) Constructed to allow for drainage;
 - (b) Covered when not in use;
 - (c) Kept clean; and
 - (d) Checked for vermin prior to use.
- (25) Bodies of water that shall not be utilized include:
 - (a) Portable wading pools;
 - (b) Natural bodies of water; and
 - (c) Unfiltered, nondisinfected containers
- (26) A child-care center shall have enough toys, play apparatus, and age-appropriate developmental materials to provide each child with a variety of activities during the day, as specified in Section 2 of this administrative regulation
- (27) Storage space shall be provided:
 - (a) In the form of low open shelves accessible to the children; and
 - (b) In sufficient quantity for each child's clothing.
- (28) Supplies shall be stored so that the adult can reach them without leaving the child unattended.

Section 5. Infant and Toddler Play Requirements. (1) Infant and toddler inside areas shall:

- (a) Be separate from an area used by an older child;
- (b) Not be an exit or entrance; and
- (c) Have adequate crawling space for an infant or toddler away from general traffic patterns of the center.

- (2) An infant or toddler may participate in an activity with an older child for no more than one (1) hour
- (3) If a child-care center provides an outdoor play area for an infant or toddler, the outdoor area shall be:
 - (a) Shaded; and
 - (b) A separate area or scheduled at a different time than an older child

Section 6. Sleeping and Napping Equipment (1) An individual cot, crib, baby bed, or two (2) inch thick waterproof mat shall be provided for a child in attendance for more than three and one-half (3 1/2) hours per day

- (2) A crib shall:
 - (a) Be equipped with a firm, comfortable waterproof mattress; and
 - (b) Meet the standards set forth in 16 C.F.R. 1508 and 1509
- (3) Individual sheets and covers shall be:
 - (a) Provided for a child;
 - (b) Laundered a minimum of once per week or more often, if necessary; and
 - (c) Stored in a sanitary manner
- (4) If cots or mats are used, floors shall be free from:
 - (a) Drafts;
 - (b) Liquid substances;
 - (c) Dirt; and
 - (d) Dampness
- (5) Cots, other equipment, and furnishings shall be spaced twelve (12) inches apart to allow free and safe movement by a person
- (6) A tiered crib shall not be used
- (7) Cots or mats not labeled for individual use by a child shall be sanitized after each use
- (8) Cots or mats shall not be ripped or torn

Section 7. First Aid and Medicine. (1) First aid supplies shall:

- (a) Be available to provide prompt and proper first aid treatment;
- (b) Be stored out of reach of a child;
- (c) Be periodically inventoried to ensure the supplies are current;
- (d) If reusable, be:
 - 1 Sanitized; and
 - 2 Maintained in a sanitary manner; and
- (e) Include:
 - 1 Liquid soap;
 - 2 Adhesive bandages;
 - 3 Sterile gauze;
 - 4 Medical tape;
 - 5 Scissors;
 - 6 A thermometer;
 - 7 Flashlight;
 - 8 Cold pack;
 - 9 First aid book;
 - 10 Disposable gloves; and
 - 11 A cardiopulmonary resuscitation mouthpiece protector
- (2) A child showing signs of an illness or condition that may be communicable shall not be admitted to the regular child care program
- (3) If a child becomes ill while at the center:
 - (a) The child shall be placed in a supervised area isolated from the rest of the children;
 - (b) The parent shall be contacted immediately; and
 - (c) Arrangements shall be made to remove the child from the child-care center as soon as practicable
- (4) Prescription medication shall not be administered to a child in care, without a daily written request of the parent
- (5) Nonprescription medication:
 - (a) May be given to a child only with the written daily request of the:
 - 1 Parent; or
 - 2 Person exercising custodial control of the child; and
 - (b) Shall be administered according to the instructions on the label
- (6) The child-care center shall keep a written record of the administration of medication, including:
 - (a) Time;
 - (b) Date;
 - (c) Amount; and
 - (d) Name of staff person giving the medication
- (7) Medication, including refrigerated medication, shall be:
 - (a) Stored in a separate and locked place, out of the reach of a child;
 - (b) Kept in the original bottle; and
 - (c) Properly labeled.
- (8) Medication shall not be given to a child if the expiration date on the bottle has passed

Section 8. Kitchen Requirements (1) The kitchen shall:

- (a) Be clean;
- (b) Be equipped for the proper:
 - 1 Preservation;
 - 2 Storage;
 - 3 Preparation; and
 - 4 Serving of food;
- (c) Be adequately ventilated to the outside air; and
- (d) Except in a Type II center when a meal is not being prepared, not be used for the activity of a child
- (2) A center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.
- (3) A child shall be:
 - (a) Seated with sufficient room to manage food and tableware; and
 - (b) Supplied with individual eating utensils designed for use by a child
- (4) Convenient and suitable sanitized utensils shall be:

- (a) Provided; and
- (b) Used to minimize handling of food during preparation
- (5) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:
 - (a) Have an indicating thermometer or other appropriate temperature measuring device;
 - (b) Be in a safe environment for preservation; and
 - (c) Be forty-five (45) degrees Fahrenheit or below, or 140 degrees Fahrenheit or above.
- (6) Except when being thawed for preparation or use, frozen food shall be:
 - (a) Kept at a temperature of zero degrees Fahrenheit or below; and
 - (b) If potentially hazardous:
 - 1 Thawed at refrigerator temperatures;
 - 2 Thawed under cool, potable running water;
 - 3 Quick thawed as part of the cooking process; or
 - 4 Thawed by another method in accordance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217
- (7) Equipment, utensils, and surfaces contacting food shall be:
 - (a) Smooth;
 - (b) Free of breaks, open seams, cracks, and chips;
 - (c) Accessible for cleaning; and
 - (d) Nontoxic
- (8) The following shall be clean and sanitary:
 - (a) Eating and drinking utensils;
 - (b) Kitchenware;
 - (c) Food contact surfaces of equipment;
 - (d) Food storage utensils;
 - (e) Cooking surfaces of equipment; and
 - (f) Nonfood contact surfaces of equipment.
- (9) A single-service article shall be:
 - (a) Stored;
 - (b) Handled and dispensed in a sanitary manner; and
 - (c) Used only once.
- (10) Bottles shall be:
 - (a) Individually labeled;
 - (b) Promptly refrigerated; and
 - (c) Covered when not in use

Section 9 Food Requirements (1) There shall be at least a two (2) hour lapse, but no longer than three (3) hours lapse, between each meal or snack.

(2) A child present at meal or snack time shall be served

(3) The child-care center shall serve:

(a)1 Breakfast; or

2 A mid-morning snack;

(b) Lunch;

(c) A mid-afternoon snack; and

(d) If appropriate, dinner

(4) A weekly menu shall be:

(a) Prepared;

(b) Dated;

(c) Posted in advance in a conspicuous place;

(d) Kept on file for thirty (30) days; and

(e) Substitutions to a posted weekly menu shall be noted on the day the meal is served.

(5) Breakfast shall include:

(a) Milk;

(b) Bread; and

(c)1 Fruit;

2 Vegetable; or

3. 100 percent juice.

(6) A snack shall include two (2) of the following:

(a) Milk;

(b) Protein;

(c) Bread; or

(d)1 Fruit;

2 Vegetable; or

3. 100 percent juice.

(7) Lunch and dinner shall include:

(a) Milk;

(b) Protein;

(c) Bread; and

(d)1 Two (2) vegetables; or

2. A fruit and one (1) vegetable

(8) Food shall be:

(a) Clean;

(b) Free from:

1 Spoilage;

2 Adulteration; and

3 Misbranding;

(c) Safe for human consumption;

(d) Withheld from service or discarded if the food is hermetically sealed, nonacidic, or low-acidic food that has been processed in a place other than a commercial food-processing establishment;

(e) Obtained from a source that is in compliance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217;

(f) Acceptable if from an established commercial food store;

(g) Served in a quantity reflecting the developmental stage of the child with additional portions provided upon request of the child; and

(h) Protected against contamination from:

- 1 Dust;
- 2 Flies;
- 3 Rodents and other vermin;
- 4 Unclean utensils and work surfaces;
- 5 Unnecessary handling;
- 6 Coughs and sneezes;
- 7 Flooding;
- 8 Drainage; and
9. Overhead leakage

(9) Food shall be stored on:

- (a) Clean racks;
- (b) Clean shelves;
- (c) Other clean surfaces; or
- (d) If maintained in a sanitary condition, food in nonabsorbent containers may be stored on the floor.

(10) Fruits and vegetables shall be washed before cooking or serving

(11) Meat salads, poultry salads, and cream filled pastries shall be:

- (a) Prepared with utensils that are clean; and
- (b) Unless served immediately, refrigerated pending service.

(12) An individual portion of food served to a child or adult shall not be served again

(13) Wrapped food that is still wholesome and has not been unwrapped may be reserved

(14) Drinking water shall be freely available to a child.

(15) A center may participate in the Child and Adult Care Food Program (CACFP) or provide formula to the child.

(16) A parent who provides formula or breast milk to the center for the child shall prepare the liquid and label its container

Section 10 Toilet, Diapering, and Toiletry Requirements. (1) A child-care center shall have a minimum of one (1) toilet and one (1) lavatory for each twenty (20) children. Urinals may be substituted for up to one-half (1/2) of the number of toilets required for a male toilet room

(2) A toilet room shall:

- (a) Be provided for each gender; or
2. A plan shall be implemented to use the same toilet room at separate times;

(b) Have a supply of toilet paper; and

(c) Be cleaned and sanitized daily

(3) A sink shall be;

- (a) Located in or immediately adjacent to toilet rooms;
- (b) Equipped with hot and cold running water that allows for hand washing;
- (c) Equipped with hot water no more than 110 degrees Fahrenheit;
- (d) Equipped with liquid soap and single use disposable hand drying material;
- (e) Equipped with an easily cleanable, covered waste receptacle; and
- (f) Immediately adjacent to a changing area used for infants and toddlers

(4) Each toilet shall:

- (a) Be kept in clean condition;
- (b) Be kept in good repair;
- (c) Be in a lighted room; and
- (d) Have ventilation to outside air

(5) Toilet training shall be coordinated with the child's parent.

(6) An adequate quantity of freshly laundered or disposable diapers and clean clothing shall be available

(7) If a toilet training chair is used, the chair shall be:

(a) Emptied promptly; and

(b) Sanitized after each use

(8) Diapers or clothing shall be:

- (a) Changed when soiled or wet;
- (b) Stored in a covered container temporarily; and
- (c) Washed or disposed of at least once a day

(9) The proper methods of diapering and hand-washing shall be posted at each diaper changing area.

(10) When a child is diapered, the child shall:

(a) Not be left unattended; and

(b) Be placed on a surface that is:

- 1 Clean;
- 2 Padded;
- 3 Free of holes, rips, tears, or other damage;
- 4 Nonabsorbent;
- 5 Easily cleaned; and
6. Free of any items not used for diaper changing.

(11) Unless allergic, individual disposable washcloths shall be used to thoroughly clean the affected area of the child

(12) Staff shall disinfect the diapering surface after each child is diapered.

(13) If staff wear disposable gloves, the gloves shall be changed and disposed after each child is diapered

(14) Combs, towels or washcloths, brushes, and toothbrushes used by a child shall be:

- (a) Individually stored in separate containers; and
- (b) Plainly labeled with the child's name

(15) Toothbrushes shall be:

- (a) Individually identified;
- (b) Allowed to air dry; and
- (c) Protected from contamination

(16) Toothpaste used by multiple children shall be dispensed onto an intermediate surface such as waxed paper to avoid cross contamination

Section 11. Toys and Furnishings (1) All toys, equipment, and furniture contacted by a child shall be:

- (a) Kept clean and in good repair and
- (b) Free of peeling, flaking, or chalking paint

(2) Indoor and outdoor equipment shall:

- (a) Be clean, safe, and in good repair;
- (b) Meet the physical, developmental needs, and interests of children of different age groups;
- (c) Be free from sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, lead-based paint, poisonous material, and flaking or chalking paint; and
- (d) Be designed to guard against entrapment or situations that may cause strangulation
- (3) Toys shall be:
 - (a) Used according to the manufacturer's safety specifications;
 - (b) Durable; and
 - (c) Without sharp points or edges.
- (4) Toys and other items that are considered mouth contact surfaces by a child not toilet trained shall be sanitized daily by:
 - (a) Scrubbing in warm, soapy water using a brush to reach into crevices;
 - (b) Rinsing in clean water;
 - (c) Submerging in a sanitizing solution for at least two (2) minutes; and
 - (d) Air dried
- (5) Tables and chairs shall be of suitable size for children.
- (6) Chairs appropriate for staff shall be provided to use when feeding, holding, or playing with a child

Section 12 Transportation. (1) A center shall document compliance with KRS Chapter 186 and 603 KAR 5:072 pertaining to:

- (a) Vehicles;
- (b) Drivers; and
- (c) Insurance
- (2) A center providing or arranging transportation service shall:
 - (a) Be licensed and approved by the cabinet or its designee prior to transporting a child;
 - (b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and
 - (c) Have written policies and procedures, including emergency procedures practiced monthly by staff that transport children
- (3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
 - (a) Type of transportation offered;
 - (b) Type of vehicle used for transportation;
 - (c) Plan for ensuring staff perform duties relating to transportation properly;
 - (d) Full insurance coverage for each vehicle;
 - (e) Agency policy and procedures relating to an emergency plan for evacuating the vehicle;
 - (f) Contracts, agreements, or documents detailing arrangements with any third party for services; and
 - (g) Safety procedures for:
 - 1. Transporting a child;
 - 2. Loading and unloading a child; and
 - 3. Providing adequate supervision of a child.
- (4) A vehicle used to transport children shall be equipped with:
 - (a) A fire extinguisher;
 - (b) First aid supplies as described in Section 7 of this administrative regulation;
 - (c) Emergency reflective triangles; and
 - (d) A device to cut the restraint system, if necessary.
- (5) Transportation provided by licensed public transportation or a school bus shall comply with subsections (1) and (2) of this section
- (6) A vehicle used to transport children shall meet the following requirements:
 - (a) A twelve (12) or more passenger vehicle shall display a current certification of inspection from the Transportation Cabinet on the designated window.
 - (b) A vehicle that requires traffic to stop while loading and unloading a child shall be equipped with a system of:
 - 1. Signal lamps;
 - 2. Identifying colors; and
 - 3. Cautionary words
 - (c) A vehicle shall be equipped with seat belts for each occupant to be individually secured.
 - (d) A vehicle shall not transport children and hazardous materials at the same time.
- (7) The appropriate car safety seat meeting federal motor vehicle safety standards in 49 C.F.R. 571.213 shall be used for each child.
- (8) A daily inspection of the vehicle shall be performed and documented for the following:
 - (a) Tires;
 - (b) Lights, signals, mirrors, gauges, and wiper blades;
 - (c) Safety restraints;
 - (d) Fuel; and
 - (e) Free of debris.
- (9)(a) The staff-to-child ratios set forth in Section 2(2) of this administrative regulation shall apply to vehicle transport, if not inconsistent with special requirements or exceptions in this section.
 - (b) An individual who is driving with a child in the vehicle shall supervise no more than four (4) children under the age of five (5)
- (10) Each child shall:
 - (a) Have a seat;
 - (b) Be individually belted or harnessed in the seat; and
 - (c) Remain seated while the vehicle is in motion
- (11) A child shall not be left:
 - (a) Unattended at the site of aftercare delivery; and
 - (b) Unattended in a vehicle
- (12) If the parent or designee is unavailable, a prearranged written plan shall be completed to designate where the child can be picked up.
- (13) A child shall not be picked up or delivered to a location that requires crossing the street or highway unless accompanied by an adult.
- (14) A vehicle transporting a child shall have the headlamps on
- (15) A vehicle shall be refueled when not being used to transport a child. If emergency refueling or repair is necessary during transporting, all children shall be removed and supervised by an adequate number of adults while refueling or repair is occurring.
- (16) If the driver is not in the driver's seat, the:
 - (a) Engine shall be turned off;
 - (b) Keys shall be removed; and
 - (c) Emergency brake shall be set
- (17) Transportation services provided shall:
 - (a) Be recorded in writing and include:
 - 1. The first and last name of the child transported; and

2 The time each child gets on and the time each child gets off;

(b) Be completed by a staff member other than the driver; and

(c) Be kept for five (5) years

(18) A driver of a vehicle transporting a child for a center shall:

(a) Be at least twenty one (21) years old;

(b) Complete the background checks as described in 922 KAR 2:110;

(c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years;

(d) Not have had any convictions concerning vehicle operation in the past twelve (12) months; and

(e) Not caused an accident which resulted in the death of a person.

(19) Guns, ammunition, alcohol, or illegal substances shall not be transported in a vehicle transporting children

Section 13. Animals. (1) Animals shall be:

(a) Supervised by an adult if in the presence of a child in care; and

(b) Certified as properly vaccinated against rabies.

(2) A parent shall be notified in writing if a child has been bitten or scratched by an animal

(3) Except if used as planned program activity in the control of an animal specialist, an animal that is considered undomesticated, wild, or exotic shall not be allowed at a child-care center. (20 Ky R. 256; Am 562; 812; eff. 10-13-93; Recodified from 905 KAR 2:120, 10-30-98; Am 27 Ky R 2932; 28 Ky.R 116; 404; eff. 8-15-2001; 34 Ky R 1261; 2010; 2170; eff 3-19-08)

199.990 Penalties.

- (1) Any person violating any of the provisions of KRS 199.380 to 199.400 shall be guilty of an offense, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than twelve (12) months, or be both fined and imprisoned, in the discretion of the court.
- (2) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473, 199.570, 199.572, and 199.590 except subsection (2), or 199.640 to 199.670, or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) or imprisoned for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.
- (3) Any person who willfully violates any other of the provisions of KRS 199.420 to 199.670 or any rule or regulation thereunder, the violation of which is made unlawful under the terms of those sections, and for which no other penalty is prescribed in those sections or in subsection (1) of this section, or in any other applicable statute, shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned for not more than thirty (30) days, or both
- (4) Any violation of the regulations, standards, or requirements of the cabinet under the provisions of KRS 199.896 that poses an immediate threat to the health, safety, or welfare of any child served by the child-care center shall be subject to a civil penalty of no more than one thousand dollars (\$1,000) for each occurrence. Treble penalties shall be assessed for two (2) or more violations within twelve (12) months. All money collected as a result of civil penalties assessed under the provisions of KRS 199.896 shall be paid into the State Treasury and credited to a special fund for the purpose of the Early Childhood Scholarship Program created in accordance with KRS 164.518. The balance of the fund shall not lapse to the general fund at the end of each biennium.
- (5) A person who commits a violation of the regulations, standards, or requirements of the cabinet under the provisions of KRS 199.896 shall be fined not less than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.
- (6) Any person who violates any of the provisions of KRS 199.590(2) shall be guilty of a Class D felony.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 186, sec. 10, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 308, sec. 24, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 242, sec. 13, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 423, sec. 196, effective July 1, 1987. -- Amended 1980 Ky. Acts ch. 188, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 66, sec. 3, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 142, sec. 3. -- Amended 1970 Ky. Acts ch. 270, sec. 1. -- Amended 1964 Ky. Acts ch. 85, sec. 5. -- Amended 1962 Ky. Acts ch. 196, sec. 4; and ch. 211, sec. 6; and ch. 212, sec. 12. -- Amended 1952 Ky. Acts ch. 161, sec. 61. -- Amended 1950 Ky. Acts ch. 125, sec. 31. -- Amended 1946 Ky. Acts ch. 13, sec. 5. -- Amended 1944 Ky. Acts ch. 77, sec. 1. -- Recodified 1942 Ky. Acts

ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 326, 327, 330, 331c-1, 331c-3, 331e-4, 331g-1, 331g-2, 331g-3

Note: This section was amended by 1980 Ky. Acts ch. 280, sec. 147, which was to have become effective July 1, 1982. Thereafter, 1982 Ky. Acts ch. 284 changed the effective date of that act to July 15, 1984. Then, 1984 Ky. Acts ch. 184 repealed both 1980 Ky. Acts ch. 280, and 1982 Ky. Acts ch. 284.

199.896 License requirement -- Application -- Fee -- Emergency action -- Use of information -- Hearing -- Disposition of receipts -- Advertisement -- Unannounced inspections -- Orientation and training requirements -- Prohibition against use of corporal physical discipline.

- (1) No person, association, or organization shall conduct, operate, maintain, or advertise any child-care center without obtaining a license as provided in KRS 199.892 to 199.896.
- (2) The secretary may promulgate administrative regulations pursuant to KRS Chapter 13A relating to license fees and may establish standards of care and service for a child-care center, criteria for the denial of a license if criminal records indicate convictions that may impact the safety and security of children in care, and procedures for enforcement of penalties.
- (3) Each initial application for a license shall be made to the cabinet and shall be accompanied by a fee of not more than fifty dollars (\$50) and shall be renewable annually upon expiration and reapplication when accompanied by a fee of twenty-five dollars (\$25). Regular licenses and renewals thereof shall expire one (1) year from their effective date.
- (4) No child-care center shall be refused a license or have its license revoked for failure to meet standards set by the secretary until after the expiration of a period not to exceed six (6) months from the date of the first official notice that the standards have not been met. If, however, the cabinet has probable cause to believe that an immediate threat to the public health, safety, or welfare exists, the cabinet may take emergency action pursuant to KRS 13B.125. All administrative hearings conducted under authority of KRS 199.892 to 199.896 shall be conducted in accordance with KRS Chapter 13B.
- (5) If, upon inspection or investigation, the inspector general finds that a child-care center licensed under this section has violated the administrative regulations, standards, or requirements of the cabinet, the inspector general shall issue a statement of deficiency to the center containing:
 - (a) A statement of fact;
 - (b) A statement of how an administrative regulation, standard, or requirement of the cabinet was violated; and
 - (c) The time frame, negotiated with the child-care center, within which a violation is to be corrected, except that a violation that poses an immediate threat to the health, safety, or welfare of children in the center shall be corrected in no event later than five (5) working days from the date of the statement of deficiency.
- (6) The Cabinet for Health and Family Services, in consultation with the Office of the Inspector General, shall establish by administrative regulations promulgated in accordance with KRS Chapter 13A an informal dispute resolution process containing at least two (2) separate levels of review through which a child-care provider may dispute licensure deficiencies that have an adverse effect on the child-care provider's license.

- (7) A child-care center shall have the right to appeal to the Cabinet for Health and Family Services under KRS Chapter 13B any action adverse to its license or the assessment of a civil penalty issued by the inspector general as the result of a violation contained in a statement of deficiency within twenty (20) days of the issuance of the action or assessment of the civil penalty. An appeal shall not act to stay the correction of a violation.
- (8) In assessing the civil penalty to be levied against a child-care center for a violation contained in a statement of deficiency issued under this section, the inspector general or the inspector general's designee shall take into consideration the following factors:
 - (a) The gravity of the threat to the health, safety, or welfare of children posed by the violation;
 - (b) The number and type of previous violations of the child-care center;
 - (c) The reasonable diligence exercised by the child-care center and efforts to correct the violation; and
 - (d) The amount of assessment necessary to assure immediate and continued compliance.
- (9) Upon a child-care center's failure to take action to correct a violation of the administrative regulations, standards, or requirements of the cabinet contained in a statement of deficiency, or at any time when the operation of a child-care center poses an immediate threat to the health, safety, or welfare of children in the center, and the child-care center continues to operate after the cabinet has taken emergency action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee shall take at least one (1) of the following actions against the center:
 - (a) Institute proceedings to obtain an order compelling compliance with the administrative regulations, standards, and requirements of the cabinet;
 - (b) Institute injunctive proceedings in Circuit Court to terminate the operation of the center;
 - (c) Institute action to discontinue payment of child-care subsidies; or
 - (d) Suspend or revoke the license or impose other penalties provided by law.
- (10) Upon request of any person, the cabinet shall provide information regarding the denial, revocation, suspension, or violation of any type of child-care center license of the operator. Identifying information regarding children and their families shall remain confidential.
- (11) The cabinet shall provide, upon request, public information regarding the inspections of and the plans of correction for the child-care center within the past year. All information distributed by the cabinet under this subsection shall include a statement indicating that the reports as provided under this subsection from the past five (5) years are available from the child-care center upon the parent's, custodian's, guardian's, or other interested person's request.
- (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and certification applications shall be paid into the State Treasury and credited to a special fund for the purpose of administering KRS 199.892 to 199.896 including the

payment of expenses of and to the participants in child-care workshops. The funds collected are hereby appropriated for the use of the cabinet. The balance of the special fund shall lapse to the general fund at the end of each biennium.

- (13) Any advertisement for child-care services shall include the address of where the service is being provided.
- (14) All inspections of licensed and unlicensed child-care centers by the Cabinet for Health and Family Services shall be unannounced.
- (15) All employees and owners of a child-care center who provide care to children shall demonstrate within the first three (3) months of employment completion of at least a total of six (6) hours of orientation in the following areas:
 - (a) Basic health, safety, and sanitation;
 - (b) Recognizing and reporting child abuse; and
 - (c) Developmentally appropriate child-care practice.
- (16) All employees and owners of a child-care center who provide care to children shall annually demonstrate to the department completion of at least six (6) hours of training in child development.
- (17) The Cabinet for Health and Family Services shall make available either through the development or approval of a model training curriculum and training materials, including video instructional materials, to cover the areas specified in subsection (15) of this section. The cabinet shall develop or approve the model training curriculum and training materials to cover the areas specified in subsection (15) of this section.
- (18) Child-care centers licensed pursuant to this section and family child-care homes certified pursuant to KRS 199.8982 shall not use corporal physical discipline, including the use of spanking, shaking, or paddling, as a means of punishment, discipline, behavior modification, or for any other reason. For the purposes of this section, "corporal physical discipline" means the deliberate infliction of physical pain and does not include spontaneous physical contact which is intended to protect a child from immediate danger.
- (19) Directors and employees of child-care centers in a position that involves supervisory or disciplinary power over a minor, or direct contact with a minor, shall submit to a criminal record check in accordance with KRS 17.165. The application shall be denied if the applicant has been found by the Cabinet for Health and Family Services or a court to have abused or neglected a child or has been convicted of a violent crime or sex crime as defined in KRS 17.165.
- (20) A director or employee of a child-care center may be employed on a probationary status pending receipt of the criminal background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 48, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 308, sec. 18, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 157, effective July 15, 1998; and ch. 524, sec. 2, effective July 15,

1998. -- Amended 1996 Ky. Acts ch 318, sec. 90, effective July 15, 1996. -- Amended 1994 Ky. Acts ch 131, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 57, sec. 4, effective July 14, 1980. -- Amended 1982 Ky. Acts ch 247, sec 5, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 187, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 203, sec 1, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec 107(21) -- Created 1962 Ky. Acts ch. 196, sec 3